

AGRICULTURAL AFFAIRS COMMITTEE
ADMINISTRATIVE RULES REVIEW

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2008 Legislative Session

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AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.01.04 - RULES GOVERNING THE IDAHO PREFERRED® PROMOTION PROGRAM

DOCKET NO. 02-0104-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-112, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes in the pending rule. The proposed rule changes are to clarify product qualification requirements for processed products.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, Book 1, pages 19 and 20.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Laura Johnson, Section Manager at (208) 332-8533 or Leah Clark, Trade Specialist at (208) 332-8684.

DATED this 18th day of October, 2007.

Brian J. Oakey
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500, Fax (208) 334-4062

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
The Idaho Preferred® Promotion Program

Docket No. 02-0104-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-112, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This change will clarify product qualification requirements for processed products.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No fees or charges are being imposed or increased through this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No negative fiscal impact to the general fund will result from this rulemaking.

NEGOTIATED RULEMAKING: Informal negotiated rulemaking was conducted. Input was solicited from all Idaho Preferred® participants with processed products.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Laura Johnson, Section Manager at (208) 332-8533 or Leah Clark, Trade Specialist at (208) 332-8684.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 22nd day of August, 2007.

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
The Idaho Preferred® Promotion Program

Docket No. 02-0104-0701
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

200. PRODUCT QUALIFICATION.

01. Authority of Determination. The Director shall have the sole authority in determining the eligibility of a product for participation in the program. (3-16-04)

02. General Product Qualifications. Except as specified in this chapter, or by written order of the Director, products must meet or exceed the following criteria: (3-16-04)

a. Fresh produce, and commodities, ~~and meat~~ bearing the Idaho Preferred® logo shall be one hundred percent (100%) Idaho grown or raised. (3-30-07)(____)

b. Processed foods and beverages shall contain a minimum of twenty percent (20%) agricultural content by weight that has been grown or raised in Idaho and shall be processed in the state of Idaho. ~~The percentage of Idaho agricultural content and the percentage of value added to the product in the state of Idaho, shall total no less than eighty percent (80%) of the total value of the product. Value is determined as a percentage of the wholesale price.~~ (3-16-04)(____)

c. Non-food agricultural products must be at least fifty percent (50%) agricultural content by weight and that agricultural content must have been grown or raised in Idaho. (3-16-04)

03. Potatoes. Only certification marks owned or administered by the Idaho Potato Commission may be branded on potatoes grown in Idaho unless prior Idaho Potato Commission approval in writing is secured and granted for the use of additional words or designs. Any person or participant applying to the Idaho Preferred® program, with the intention to promote Idaho-grown potatoes or products made from Idaho-grown potatoes, shall provide proof of such permission prior to making application with the Department. (3-30-07)

04. Wine. Wines shall contain a minimum of ninety-five percent (95%) Idaho grapes. (4-6-05)

05. Nursery Stock. Nursery stock shall have been grown in Idaho a minimum of one (1) growing season or growing cycle. (4-6-05)

06. Beef and Beef Products. Beef and beef products shall come from cattle that: (4-6-05)

a. Were born, raised and harvested in the United States. No cattle that originate from outside the United States may qualify for the Idaho Preferred® logo. (3-30-07)

b. Reside in Idaho at least twelve (12) months prior to harvest. The twelve (12) months need not be contiguous, but must be verifiable. (4-6-05)

c. Reside their entire lives in Idaho if harvested prior to twelve (12) months of age.

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DEPARTMENT OF AGRICULTURE
The Idaho Preferred® Promotion Program

Docket No. 02-0104-0701
PENDING RULE

(4-6-05)

d. Are processed in federally inspected plants and meet marbling and age requirements for USDA grade Select or better. (4-6-05)

07. Apicultural Products. Products produced by honey bees including raw honey, wax, pollen, and propolis shall be one hundred percent (100%) Idaho origin. Processed honey shall be eighty percent (80%) Idaho origin. (4-6-05)

08. Exceptions. The Director shall have the authority to establish product qualification requirements specific to individual products and commodities by written order. (3-16-04)

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.02.14 - RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 71-111, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes in the pending rule. The proposed rule changes are to incorporate by reference the 2007 edition of the National Institute of Standards and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices; incorporate by reference the American Society of Testing and Materials (ASTM) D975-07a, Standard Specification for Diesel Fuel Oils and ASTM D6751-07a, Standard Specification for Biodiesel Fuel (B100) Blend Stock for distillate Fuels; add definitions for Biodiesel and add a new section containing identification and retail labeling requirements for Biodiesel; and to eliminate loaf size restriction for bread to harmonize this rule with Section 71-236, Idaho Code.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 15 through 17.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no anticipated fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tom Schafer, Section Manager at 332-8690.

DATED this 28th day of September, 2007.

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules for Weights and Measures

Docket No. 02-0214-0701
PENDING RULE

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
PO Box 790 Boise, Idaho 83701-0790
Phone 332-8500, Fax 334-4062

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 71-111, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Incorporates by reference the 2007 edition of the National Institute of Standards and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices.

Incorporates by reference American Society of Testing and Materials (ASTM) D975-07a, Standard Specification for Diesel Fuel Oils and ASTM D6751-07a, Standard Specification for Biodiesel Fuel (B100) Blend Stock for distillate Fuels.

Adds definitions for Biodiesel and add a new section containing identification and retail labeling requirements for Biodiesel.

Eliminates loaf size restriction for bread to harmonize this rule with Section 71-236, Idaho Code.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was

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DEPARTMENT OF AGRICULTURE
Rules for Weights and Measures

Docket No. 02-0214-0701
PENDING RULE

not conducted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tom Schafer, Section Manager at 332-8690.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2007.

DATED this 20th day of July, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

01. Required Reference Materials. The 2006~~7~~ edition of Handbook No. 44 of the National Institute of Standards and Technology, United States Department of Commerce, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," hereby incorporated by reference, shall be the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. (~~3-30-07~~)()

02. Required Reference Materials for Checking Prepackaged Commodities. The 4th Edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, "Checking the Net Contents of Packaged Goods," hereby incorporated by reference, shall be the authority in checking packaged commodities, unless otherwise stated in these rules. (2-13-04)

03. Specifications for Diesel Fuel and Biodiesel Fuel. American Society of Testing and Materials (ASTM) D975-07a, "Standard Specification for Diesel Fuel Oils," and ASTM D6751-07a, "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels," intended for blending with diesel fuel are hereby incorporated by reference and are the specifications for diesel fuel and biodiesel fuel blend stock (B100 biodiesel). ()

034. Local Availability. Copies of Handbook No. 44 and Handbook No. 133 are on file with the State Law Library and the Idaho State Department of Agriculture, 2216 Kellogg Lane, Boise, Idaho 83712, or may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies are available for downloading on the internet by going to <http://nist.gov>. Copies of ASTM D975 and ASTM D6751 are on file with the State Law Library and the Idaho State Department of Agriculture or may be purchased from ASTM. (~~2-13-04~~)()

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE Rules for Weights and Measures

Docket No. 02-0214-0701
PENDING RULE

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

The Idaho Department of Agriculture adopts the definitions set forth in Sections 71-108 and 71-401, Idaho Code. (10-26-94)

01. Biodiesel. A fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100. ()

02. Biodiesel Blends. A fuel comprised of a blend of biodiesel fuel with petroleum-based diesel fuel, designated BXX. In the abbreviation BXX, the XX represents the volume percentage of biodiesel fuel in the blend. ()

03. Person. The word “person” shall be construed to import both the plural and singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this rule, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society or association as well as that of the person. ()

(BREAK IN CONTINUITY OF SECTIONS)

351. BIODIESEL.

Identification and labeling requirements for biodiesel. ()

01. Identification of Product. Biodiesel and biodiesel blends shall be identified by the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel. (Examples: B10, B20, B100). ()

02. Labeling of Retail Dispensers. Each retail dispenser of biodiesel or biodiesel blend containing more than five percent (5%) shall be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with the either “biodiesel” or “biodiesel blend.” (Examples: B10 biodiesel, B20 biodiesel blend). ()

a. The label shall have letters in bold face block not less than one-half (1/2) inch high. The lettering shall be clearly legible on a contrasting background. ()

b. The label shall be displayed on both faces of the dispenser on the upper one-half (1/2) of the dispenser as near the unit price display as practical. ()

03. Documentation for Dispenser Labeling Purposes. ()

a. The retailer must be provided a declaration of the volume percent of the biodiesel

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE Rules for Weights and Measures

Docket No. 02-0214-0701
PENDING RULE

on an invoice, bill of lading, shipping paper, or other document, at the time of delivery of the fuel. ()

b. This documentation is for dispenser labeling purposes only; it is the responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to blending. ()

04. Exemption. Biodiesel blends containing five percent (5%) or less biodiesel by volume are exempted from the requirements of Section 351 of this rule. ()

05. Penalties. Any person who violates any provisions of these rules shall be punished as provided for in Sections 37-2501 and 37-2520, Idaho Code. ()

~~3542.~~ -- 399. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

500. BREAD.

~~As of October 1, 1971, eight (8) ounces, sixteen (16) ounces, twenty-four ounces (24), or a multiple of one (1) pound, labels and weights of bread loaves, shall be adhered to, and in no case shall any other labels or weights of loaves of bread be in commerce within the boundaries of the state of Idaho unless in compliance with~~ Each loaf of bread kept, offered, or exposed for sale, whether or not the bread is packaged or sliced, shall be sold by weight, as per Section 71-236 of Title 71, Chapter 2, Idaho Code. (7-1-93)()

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.03.01 - RULES GOVERNING PESTICIDE MANAGEMENT PLANS FOR GROUND WATER PROTECTION

DOCKET NO. 02-0301-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 22-3418, 22-3419, 22-3420, and 22-3421, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The additional chemical-specific rules will be associated with steps to prevent DCPA from impacting Idaho's ground water in the future. In addition, to update the incorporation by reference and the abbreviations sections.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 18 through 22.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gary Bahr, Agriculture Section Manager at 208-332-8597.

DATED this 31st day of October, 2007.

Brian Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
PO Box 790, Boise, Idaho 83701
Phone: 208-332-8500
Fax: 208-334-2170

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Pesticide Management Plans for Ground Water Protection

Docket No. 02-0301-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 22-3418, 22-3419, 22-3420, and 22-3421, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

Tuesday, September 18, 2007

7:00 -- 8:00 pm

**Nampa Civic Center
311 Third Street South
Nampa, ID 83651**

Wednesday, September 19, 2007

7:00 -- 8:00 pm

**Owyhee County Courthouse
31 E. Wyoming Avenue
Homedale, ID 83628**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The additional chemical-specific rules will be associated with steps to prevent DCPA from impacting Idaho's ground water in the future. In addition, it updates the incorporation by reference and the abbreviations sections.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because a committee comprised of industry and multi-agency members was used to develop the rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Gary Bahr, Agriculture Section Manager at 208-332-8597.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2007.

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Pesticide Management Plans for Ground Water Protection

Docket No. 02-0301-0701
PENDING RULE

DATED this 1st day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this chapter: (4-6-05)

01. Dimethyl Tetrachloroterephthalate (DCPA) Pesticide Management Plan. The June 2007 edition published by the Idaho State Department of Agriculture. Copies of this document may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. ()

042. IDAPA 58.01.11, "Ground Water Quality Rule," Subsection 200.01.a. of the Department of Environmental Quality. Copies can be obtained from the Office of Administrative Rules, 650 W. State St., PO Box 83720, Boise, ID 83720-0306 or electronically accessed at www2.state.id.us/adm/adminrules/rules/idapa58/0111.pdf. (4-6-05)

023. Idaho Agricultural Pollution Abatement Plan. The March 2003 edition published by the Idaho Soil Conservation Commission. Copies may be accessed electronically at www.scc.state.id.us/PDF/AgPlan.pdf. (4-6-05)

034. The 20047 Publication by the United States Department of Agriculture, Natural Resources Conservation Service, Conservation Practice Standard, ~~Pesticide~~ Management Code 595. Copies of this document may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. (4-6-05)()

045. The 2004 Publication by the United States Department of Agriculture, Natural Resources Conservation Service, Conservation Practice Standard, Agrichemical Mixing Facility Code 702. Copies of this document may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. (4-6-05)

056. The 20046 Publication by the United States Environmental Protection Agency, Office of Water, 20046 Edition of the Drinking Water Standards and Health Advisories, EPA 822-R-046-00513. Copies can be accessed electronically at www.epa.gov/waterscience/drinking/standards/dwstandards.pdf. (4-6-05)()

(BREAK IN CONTINUITY OF SECTIONS)

011. ABBREVIATIONS.

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Pesticide Management Plans for Ground Water Protection

Docket No. 02-0301-0701
PENDING RULE

- | | | |
|--------------|---|----------|
| 01. | APAP. Agricultural Pollution Abatement Plan. | (4-6-05) |
| 02. | BMP. Best Management Practice. | (4-6-05) |
| 03. | <u>DCPA. Dimethyl Tetrachloroterephthalate.</u> | () |
| 034. | DEQ. Department of Environmental Quality. | (4-6-05) |
| 045. | EPA. Environmental Protection Agency. | (4-6-05) |
| 056. | HAL. Health Advisory Level. | (4-6-05) |
| 067. | MCL. Maximum Contaminant Level. | (4-6-05) |
| 078. | NRCS. Natural Resources Conservation Service. | (4-6-05) |
| 089. | PMP. Pesticide Management Plan. | (4-6-05) |
| 0910. | QAPP. Quality Assurance Project Plan. | (4-6-05) |
| 101. | QMP. Quality Management Plan. | (4-6-05) |
| 112. | RfD. Reference Dose. | (4-6-05) |
| 123. | SCC. Soil Conservation Commission. | (4-6-05) |
| 134. | USDA. United States Department of Agriculture. | (4-6-05) |

(BREAK IN CONTINUITY OF SECTIONS)

102. DCPA CHEMICAL SPECIFIC PMP.

- | | | |
|------------|---|-----|
| 01. | <u>Introduction.</u> | () |
| a. | <u>The department hereby establishes rules for a DCPA PMP;</u> | () |
| b. | <u>The purpose and intent of these rules are to decrease and minimize the presence of DCPA in the ground water in the area of pesticide restriction near Homedale, Owyhee County, as defined in Subsection 102.03 of these rules;</u> | () |
| c. | <u>All users of DCPA within the area of pesticide restriction must follow the DCPA PMP.</u> | () |
| 02. | <u>DCPA Chemical.</u> | () |

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Pesticide Management Plans for Ground Water Protection

Docket No. 02-0301-0701
PENDING RULE

a. DCPA is the active ingredient, along with all DCPA metabolite(s), subject to the DCPA PMP; ()

b. The department hereby uses the EPA HAL of seventy (70) parts per billion (ppb) as the DCPA reference point. ()

03. Area of Pesticide Restriction*. The area subject to the DCPA PMP is the area south of Homedale located in Owyhee County. It is the area designated as Township 03 North, Range 05 West, Sections 18 and 19; and Township 03 North, Range 06 West, Sections 13 and 24. (*See the DCPA Area of Restriction Map at the end of this chapter.) ()

04. User Requirements of DCPA Within the Area of Restriction. The DCPA PMP will be adopted by incorporation and the contents will be consistent with the requirements of Section 100 of this rule and shall include the following key elements: ()

a. All users of DCPA must attend an ISDA approved DCPA training program prior to DCPA application; ()

b. All users of DCPA must comply with the DCPA restrictions listed in the DCPA PMP. ()

05. Public Notification. ()

a. The department will notify licensed pesticide applicators and dealers within and near the area of pesticide restriction, by mail, of the DCPA PMP and its requirements upon rule adoption and when rule revisions are adopted; ()

b. The department will provide notice of the DCPA PMP and proposed revisions to residents within the area of pesticide restriction and the public in general. ()

06. Monitoring and Evaluation. ()

a. Monitoring will be conducted in accordance with Sections 200 and 300 of this rule to determine success of the reduction in DCPA in the ground water; ()

b. Routine inspections in the area of pesticide restriction in accordance with Section 200 of this rule will be utilized to assess the level of compliance with the DCPA PMP; ()

c. Review of the DCPA PMP in accordance with Subsection 101.02 of this rule. ()

07. Pesticide Use and Records Requirements. Any person using DCPA within the area of restriction shall maintain records for a period of three (3) years, ready to be inspected, duplicated, or submitted when requested by the Director pertaining to the use of DCPA. The records shall be kept in a location designated by the user of DCPA and maintained in accordance with Title 22, Chapter 34, Idaho Code, and IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application," Subsection 150.02. ()

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DEPARTMENT OF AGRICULTURE
Pesticide Management Plans for Ground Water Protection

Docket No. 02-0301-0701
PENDING RULE

08. Repeal Process. The repealing of the DCPA area of pesticide restriction shall be completed in accordance with Section 410 of these rules. (____)

1023. -- 149. (RESERVED).

150. GROUND WATER QUALITY REFERENCE POINTS.

01. Reference Points. The Director will use reference points for pesticides in ground water, based on the following order of availability: (4-6-05)

a. Idaho rules of DEQ, IDAPA 58.01.11, "Ground Water Quality," Subsection 200.01.a. specific to pesticide primary constituent standards which were adopted from EPA MCLs; or (4-6-05)

b. EPA Health Advisory Levels (HALs) identified in the 2004~~6~~ Edition of the EPA Drinking Water Standards and Health Advisories, EPA 822-R-04~~6~~-00~~5~~13; or (~~4-6-05~~)(____)

c. EPA Reference Dose (RfD) identified in the 2004~~6~~ Edition of the EPA Drinking Water Standards and Health Advisories, EPA 822-R-04~~6~~-00~~5~~13; or (~~4-6-05~~)(____)

d. A reference point based on: (4-6-05)

i. Best scientific information currently available on adverse effects of the contaminant(s); and (4-6-05)

ii. Protection of a beneficial use(s); and (4-6-05)

iii. Practical quantitation levels for the pesticides, if they exceed the levels identified in IDAPA 58.01.11, "Ground Water Quality Rule," Subsection 200.01.a. (4-6-05)

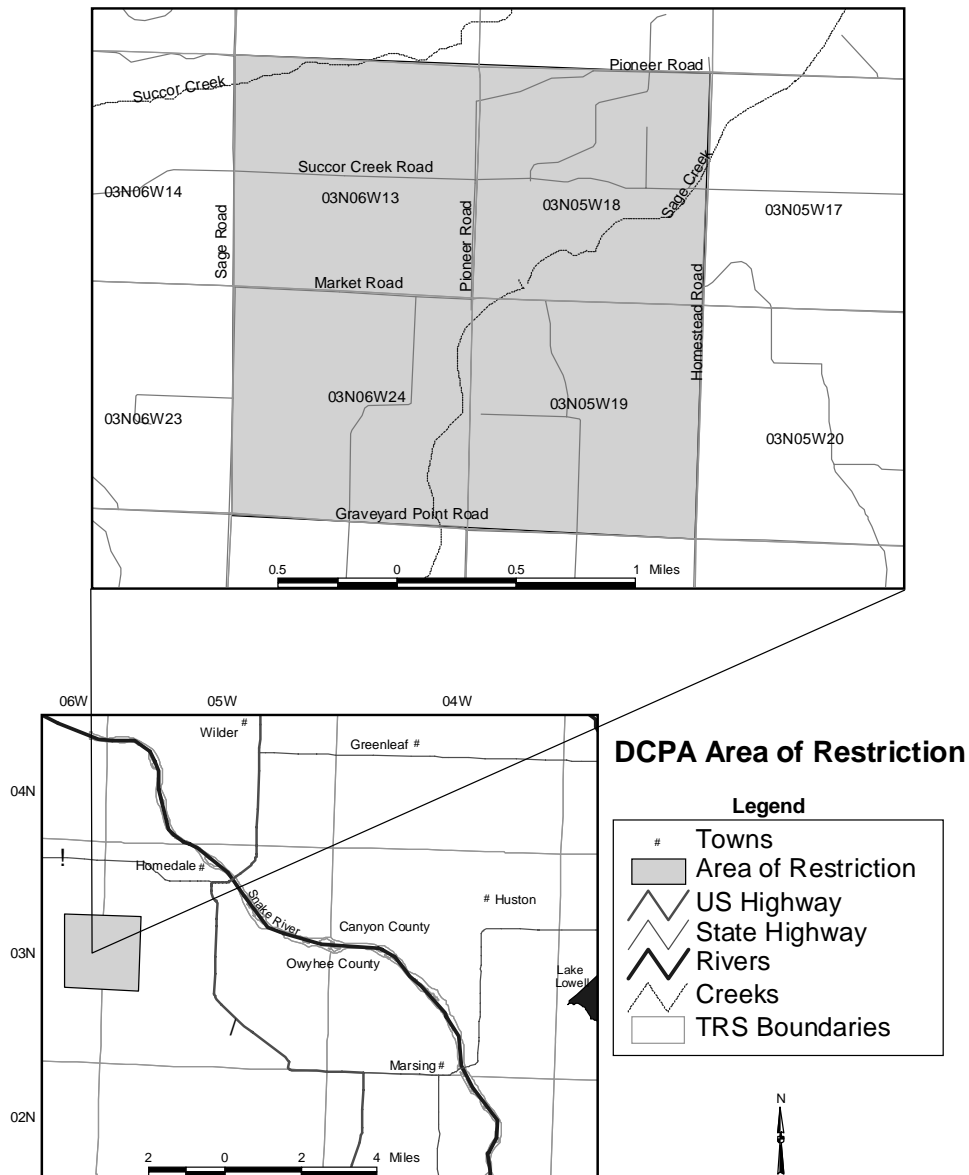
02. HAL and RfD Guide. The Director shall use the EPA's HAL and RfD number associated with the effects on a person weighing seventy (70) kilograms and drinking two (2) liters of water per day over a lifetime. (4-6-05)

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Docket No. 02-0301-0701
PENDING RULE

DCPA Area of Restriction



AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.03 - RULES GOVERNING ANIMAL INDUSTRY

DOCKET NO. 02-0403-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-207, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2007 Idaho Administrative Bulletin, Vol. 07-7, pages 15 through 23.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

DATED this 24th day of August, 2007.

Celia R. Gould, Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701-0790
(208) 332-8500 / Fax (208) 334-4062

***THE FOLLOWING NOTICE PUBLISHED WITH THE
TEMPORARY AND PROPOSED RULE***

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules Governing Animal Industry

Docket No. 02-0403-0701
PENDING RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 25-207, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, July 12, 2007 -- 6:30 - 7:00 PM
Nampa Civic Center
311 Third Street South, Nampa, ID 83651

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule updates the incorporation by reference section, adds sections to list reportable and notifiable diseases by name, and makes typographical, technical, and grammatical corrections.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

It is necessary to protect the public health, safety, or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted because this rule makes changes agreed to with the legislative committees.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

Anyone may submit written comments regarding this proposed rulemaking. All written

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comments must be directed to the undersigned and must be delivered on or before July 25, 2007.

DATED this 25th day of May, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

01. Incorporated Documents. IDAPA 02.04.03 incorporates by reference the following documents: (5-3-03)

a. The USDA Pseudorabies Eradication State-Federal-Industry Program Standards, November 1, 2003. (3-30-07)

b. National Poultry Improvement Plan ~~Dated~~ and Auxiliary Provisions, February 12, 2004~~7~~. (3-30-07)()

c. Title 9, Parts 145, 147, and 161, CFR, January 1, 2006. (3-30-07)

d. The Compendium of Animal Rabies Prevention and Control, 2005~~7~~. (3-30-07)()

~~**e.** List of Diseases Notifiable to the OIE, 2006.~~ (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

As used in these rules the following terms have the following meanings: (5-3-03)

01. Accredited Veterinarian. A veterinarian approved by the Administrator and USDA/APHIS/VS, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (5-3-03)

02. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (5-3-03)

03. Animal. Any vertebrate member of the animal kingdom, except man. (3-20-04)

04. Approved Pseudorabies Vaccine. Any pseudorabies vaccine produced under current USDA license and intended for immunizing swine against pseudorabies. (3-20-04)

05. Cachexia. Weakness and emaciation caused by a serious disease such as tuberculosis or cancer. (3-20-04)

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- 06. Department.** The Idaho State Department of Agriculture. (5-3-03)
- 07. Director.** Director of the Idaho State Department of Agriculture or his designee. (9-6-61)
- 08. Division of Animal Industries.** Idaho State Department of Agriculture, Division of Animal Industries. (5-3-03)
- 09. Epithelioma.** Cancer or tumor. (3-20-04)
- 10. Equidae.** Horses, mules, and asses. (3-20-04)
- 11. Exposed Livestock.** Any livestock that have been in contact with an animal infected with, or affected by, any contagious, infectious or communicable disease, including all livestock in a known infected herd. (3-20-04)
- 12. Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (3-20-04)
- 13. Gamebirds.** Domesticated gallinaceous fowl such as pheasants, partridge, quail, grouse, and guineas. (5-3-03)
- 14. Garbage.** Putrescible animal and vegetable waste containing animal parts resulting from the handling, preparation, processing, cooking or consumption of foods. (3-20-04)
- 15. Hatching Eggs.** Fertilized eggs. (5-3-03)
- 16. Herd.** A herd is any group of livestock maintained on common ground for any purpose, or two (2) or more groups of livestock under common ownership or supervision, geographically separated, but which have an interchange or movement of animals without regard to whether the animals are infected with or exposed to contagious, infectious, or communicable animal diseases. (3-20-04)
- 17. Infected Livestock.** Any livestock determined to be infected with a contagious infectious, of communicable disease by an official test or diagnostic procedure, or diagnosed by a veterinarian as infected. (3-20-04)
- 18. Interstate Movement.** Movements of livestock and poultry from Idaho into any other state, territory or the District of Columbia or from any other state, territory or the District of Columbia into Idaho. (3-20-04)
- 19. Intrastate Movement.** Movement of any animal from one location to another location within Idaho. (3-20-04)
- 20. Known Infected Herd.** Any herd in which any livestock has been determined to be infected with contagious, infectious, or communicable diseases by an official test or diagnostic procedure, or diagnosed by a veterinarian as being infected. (3-20-04)

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21. **Livestock.** Swine, cattle, sheep, goats, equidae, domestic bison, domestic cervidae, camelids, ratites, ~~captive antilocapridae~~ and other domestically raised animals. (3-20-04)()
22. **Necrosis.** Death of tissue. (3-20-04)
23. **Negative.** An animal that has been tested with official test procedures and is found to be negative. (3-20-04)
24. **Neoplastic Tissue.** New growth or tissue associated with a tumor. (3-20-04)
25. **Official Pseudorabies Test.** Any test for the diagnosis of pseudorabies that has been approved by USDA/APHIS and is conducted by a state/federal approved laboratory. (3-20-04)
26. **Orbital Region.** The ~~bony~~ cavity containing the eye and surrounding bones. (3-20-04)()
27. **Positive.** An animal that has been tested and found positive with official disease test procedures and is considered infected with any contagious, infectious, or communicable disease. (3-20-04)
28. **Poultry.** Domesticated fowl, including chickens, turkeys, waterfowl, and gamebirds. (5-3-03)
29. **Pseudorabies.** The contagious, infectious, and communicable disease of livestock and other animals also known as Aujeszky's disease, mad itch or infectious paralysis. (3-20-04)
30. **Quarantine.** A written order, or a verbal order followed by a written order, executed by the Administrator, to confine or hold animals on a premise or any other location, and to prevent movement of animals from a premise or any other location when the Administrator has determined that the animals have been found or are suspected to be exposed to or infected with any contagious, infectious, or communicable disease, or the animals are not in compliance with the provisions of this chapter. (3-20-04)
31. **Quarantined Area.** The counties, areas, or districts, portions thereof, quarantined by the Division of Animal Industries for specific contagious, infectious, or communicable animal diseases. (5-3-03)
32. **Quarantined.** Isolation of all animals diseased or exposed thereto, from contact with healthy animals and exclusion of such healthy animals from enclosures or grounds where said diseased or exposed animals are, or have been kept. (9-6-61)
33. **Ratites.** Large, non-flying birds including, but not limited to ostriches, emus, cassowaries, and rheas. (3-20-04)
34. **Registered Veterinarians.** Veterinarians registered with, and approved by, the

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Division of Animal Industries to collect Trichomoniasis samples for official Trichomoniasis culture testing. (5-3-03)

35. Restrain. The confinement of livestock, or other animals, in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing, as approved by the Administrator. (3-20-04)

36. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities. (5-3-03)

37. Stockyards. A facility where trading in livestock is carried on, where yarding, feeding and watering places are provided by the stockyards or transportation companies, or where livestock associations or similar companies maintain corrals for feeding, shearing, dipping and separating animals. (3-20-04)

38. Suppuration. The formation of pus. (3-20-04)

39. Suspect. An animal that has a response to an official test, but the response is not sufficient to determine the disease status of the animal tested. (3-20-04)

40. Swine. All breeds of domestic porcine and all wild and exotic porcine. (3-20-04)

41. Swine Feedlot. Premises designed and used exclusively for the finish feeding of swine, from which the swine will be moved directly to slaughter. (3-20-04)

42. Waterfowl. Domesticated fowl that normally swim such as ducks and geese. (5-3-03)

43. Wildfowl. Wild gallinaceous fowl, turkeys, and waterfowl. (5-3-03)

011. ABBREVIATIONS.

01. AGID. Agar gel immunodiffusion. (3-30-07)

02. APHIS. Animal and Plant Health Inspection Service. (~~5-3-03~~)(____)

03. c-ELISA. Competitive Enzyme Linked Immunosorbent Assay. (3-30-07)

04. CFR. Code of Federal Regulations. (5-3-03)

05. EIA. Equine Infectious Anemia. (3-20-04)

06. NPIP. National Poultry Improvement Plan. (5-3-03)

~~**07. OIE.** Office International des Epizooties.~~ (~~3-30-07~~)

~~**087.** USDA.~~ United States Department of Agriculture. (5-3-03)

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~~098.~~ VS. Veterinary Services.

(5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

193. NPIP CERTIFICATES OF PARTICIPATION.

~~During January of each year, the~~ The Division of Animal Industries will issue NPIP participation certificates annually to the owners of poultry and ratites that meet the following requirements:

~~(5-3-03)~~(____)

01. Records. Each NPIP participant must have on file records of their flock qualification testing; and

(5-3-03)

02. Inspection Forms. Each NPIP participant shall have on file a copy of the annual inspection form from the previous year documenting compliance with the NPIP program.

(5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

203. DISPOSITION OF EIA REACTORS.

Equidae found to be infected with EIA shall be:

(3-20-04)

01. Quarantined. Quarantined to the premises where the animal was found to be infected, the owner's premises, or another premises that is approved by the Administrator.

~~(3-20-04)~~(____)

02. Duration of Quarantine. The infected animal shall remain under quarantine until it is:

(3-20-04)

a. Consigned to slaughter at a USDA approved equine slaughter establishment; or

(3-20-04)

b. Euthanized and buried or incinerated; or

(3-20-04)

c. Donated to a university or other research facility for use in EIA research projects.

(3-20-04)

(BREAK IN CONTINUITY OF SECTIONS)

208. -- ~~342~~299. (RESERVED).

3500. FOREIGN ANIMAL AND REPORTABLE DISEASES.

It is ~~hereby made~~ the duty of all persons in ~~this state~~ Idaho to report to the Administrator

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PENDING RULE

immediately, by telephone, facsimile, or electronic mail, any lesions or symptoms resembling ~~foot and mouth disease, or any other diseases exotic to Idaho~~ any of the foreign animal and reportable diseases listed in this chapter, that they may find existing among the animals in ~~the state, including~~ Idaho. The Administrator may add a foreign animal and reportable disease by issuing an administrative order explaining in writing the reasons for requiring the disease to be reported.

(3-20-04)()

~~01. List of Diseases Notifiable to the OIE, 2006. (3-30-07)~~

~~02. Chronic Wasting Disease. (3-20-04)~~

~~03. Pseudorabies. (3-20-04)~~

301. FOREIGN ANIMAL AND REPORTABLE DISEASES - MULTIPLE SPECIES.

01. Anthrax. ()

02. Brucellosis. ()

03. Foot and Mouth Disease. ()

04. Heartwater. ()

05. Leishmaniasis. ()

06. Plague (*Yersinia pestis*). ()

07. Pseudorabies. ()

08. Q Fever (*Coxiella burnetti*). ()

09. Rabies. ()

10. Rift Valley Fever. ()

11. Scabies. ()

12. Screw Worms. ()

13. Theileriosis. ()

14. Trypanosomiasis. ()

15. Tuberculosis. ()

16. Tularemia. ()

17. Vesicular Stomatitis. ()

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302. FOREIGN ANIMAL AND REPORTABLE DISEASES - AVIAN DISEASES.

- 01. Avian Influenza.** ()
- 02. Avian Chlamydiosis (*Psittacosis*).** ()
- 03. Exotic Newcastle Disease.** ()

303. FOREIGN ANIMAL AND REPORTABLE DISEASES - BOVINE DISEASES.

- 01. Babesiosis.** ()
- 02. Bovine Brucellosis (*B. abortus*).** ()
- 03. Bovine Spongiform Encephalopathy.** ()
- 04. Bovine Tuberculosis.** ()
- 05. Contagious Bovine Pleuropneumonia.** ()
- 06. Crimean Congo Hemorrhagic Fever.** ()
- 07. Lumpy Skin Disease.** ()
- 08. Malignant Catarrhal Fever (Foreign Type).** ()
- 09. Rinderpest.** ()
- 10. Trichomoniasis.** ()

304. FOREIGN ANIMAL AND REPORTABLE DISEASES - CERVIDAE DISEASES.

Chronic Wasting Disease is a reportable disease. ()

305. FOREIGN ANIMAL AND REPORTABLE DISEASES - EQUINE DISEASES.

- 01. African Horse Sickness.** ()
- 02. Contagious Equine Metritis.** ()
- 03. Dourine.** ()
- 04. Equine Encephalomyelitis (Eastern, Western, Venezuelan).** ()
- 05. Equine Infectious Anemia.** ()
- 06. Equine Piroplasmosis (*Babesiosis*).** ()

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PENDING RULE

- | | | |
|------------|--|-----|
| 07. | <u>Glanders.</u> | () |
| 08. | <u>Hendra Virus.</u> | () |
| 09. | <u>Japanese Encephalitis.</u> | () |
| 10. | <u>Surra (<i>Trypanosoma Evansi</i>).</u> | () |
- 306. FOREIGN ANIMAL AND REPORTABLE DISEASES - FISH DISEASES.**
- | | | |
|------------|---|-----|
| 01. | <u>Asian Tapeworm of Carp.</u> | () |
| 02. | <u>Oncorhynchus Masou Virus Disease.</u> | () |
| 03. | <u>Spring Viremia of Carp.</u> | () |
| 04. | <u>Viral Hemorrhagic Septicemia.</u> | () |
- 307. FOREIGN ANIMAL AND REPORTABLE DISEASES - LAGOMORPH DISEASES.**
- | | | |
|--|---|-----|
| | Rabbit Hemorrhagic Disease is a reportable disease. | () |
|--|---|-----|
- 308. FOREIGN ANIMAL AND REPORTABLE DISEASES - SHEEP AND GOAT DISEASES.**
- | | | |
|------------|---|-----|
| 01. | <u>Contagious Caprine Pleuropneumonia.</u> | () |
| 02. | <u>Nairobi Sheep Disease.</u> | () |
| 03. | <u>Ovine Brucellosis (<i>B. melitensis</i>).</u> | () |
| 04. | <u>Peste des Petits Ruminants.</u> | () |
| 05. | <u>Scrapie.</u> | () |
| 06. | <u>Sheep and Goat Pox.</u> | () |
- 309. FOREIGN ANIMAL AND REPORTABLE DISEASES - SWINE DISEASES.**
- | | | |
|------------|--|-----|
| 01. | <u>African Swine Fever.</u> | () |
| 02. | <u>Classical Swine Fever (Hog Cholera).</u> | () |
| 03. | <u>Enterovirus Encephalitis (Teshen Disease).</u> | () |
| 04. | <u>Nipah Virus Encephalitis.</u> | () |
| 05. | <u>Porcine Brucellosis (<i>B. suis</i>).</u> | () |

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Docket No. 02-0403-0701
PENDING RULE

07. Swine Vesicular Disease. ()

310. -- 329. (RESERVED).

330. NOTIFIABLE DISEASES.

All veterinarians licensed to practice in Idaho shall report any notifiable diseases listed in this chapter to the Administrator. The Administrator may add a notifiable disease by issuing an administrative order explaining in writing the reasons for requiring the disease to be reported.

()

331. NOTIFIABLE DISEASES - MIXED SPECIES DISEASES.

West Nile Virus is a notifiable disease.

()

332. NOTIFIABLE DISEASES - AVIAN DISEASES.

01. Avian Mycoplasmosis (*M. gallisepticum* and *M. synoviae*). ()

02. Fowl Typhoid (*Salmonella gallinarum*). ()

03. Pullorum Disease (*Salmonella pullorum*). ()

333. NOTIFIABLE DISEASES - BOVINE DISEASES.

01. Hemorrhagic Septicemia (*Pasteurella multocida*). ()

02. Malignant Catarrhal Fever (Sheep Associated). ()

334. NOTIFIABLE DISEASES - EQUINE DISEASES.

01. Equine Viral Arteritis. ()

02. Equine Rhinopneumonitis. ()

335. NOTIFIABLE DISEASES - FISH DISEASES.

01. Epizootic Hematopoietic Necrosis. ()

02. Infectious Hematopoietic Necrosis. ()

03. Whirling Disease. ()

336. NOTIFIABLE DISEASES - LAGOMORPH DISEASES.

Myxomatosis is a notifiable disease.

()

337. NOTIFIABLE DISEASES - SHEEP AND GOAT DISEASES.

01. Bluetongue. ()

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- | | | |
|---|---|-----|
| 02. | <u>Caprine Arthritis/Encephalitis (CAE).</u> | () |
| 03. | <u>Caseous Lymphadenitis.</u> | () |
| 04. | <u>Contagious Agalactia (<i>Mycoplasma spp.</i>).</u> | () |
| 05. | <u>Enzootic Abortion (<i>Chlamydia psittici</i>).</u> | () |
| 06. | <u>Footrot.</u> | () |
| 07. | <u>Haemonchus Contortus (drug-resistant).</u> | () |
| 08. | <u>Johne's Disease.</u> | () |
| 09. | <u>Maedi-Visna/Ovine Progressive Pneumonia (OPP).</u> | () |
| 10. | <u>Ovine Epididymitis (<i>Brucella ovis</i>).</u> | () |
| 11. | <u>Toxoplasma Gondii Abortion.</u> | () |
| 12. | <u>Vibronic Abortion (<i>Campylobacter fetus</i>)</u> | () |
|
338. <u>NOTIFIABLE DISEASES - SWINE DISEASES.</u> | | |
| 01. | <u>Porcine Reproductive and Respiratory Syndrome (PRRS).</u> | () |
| 02. | <u>Transmissible Gastroenteritis.</u> | () |
|
35439. -- 359. (RESERVED). | | |
|
360. ACTINOMYCOSIS AND ACTINOBACILLOSIS, (LUMP JAW). | | |
|
01. Selling Diseased Animal. It shall be unlawful for any person to knowingly sell, offer for sale, or in any manner transfer ownership to another person any animal infected or affected with the disease known as actinomycosis and actinobacillosis, <u>or</u> lump jaw; if the disease shows well-marked clinical symptoms, or is in the advanced stage, except for immediate slaughter, and then only in accordance with the meat inspection rules and regulations of the USDA. (3-20-04)() | | |
|
02. Public Livestock Markets. Animals showing well marked clinical symptoms or in the advanced stage of actinomycosis and actinobacillosis, <u>or</u> lump jaw; passing through public livestock markets shall be placed in quarantine pens and sold therefrom <u>only from the quarantine pen.</u> (3-20-04)() | | |

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.17 - RULES GOVERNING DEAD ANIMAL MOVEMENT AND DISPOSAL

DOCKET NO. 02-0417-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-237, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 23 through 26.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

DATED this 23rd day of October, 2007.

Brian J. Oakey
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
Fax (208) 334-4062

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules Governing Dead Animal Movement and Disposal

Docket No. 02-0417-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **September 1, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 25-237, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, September 13, 2007
6:30 - 7:00 pm
Nampa Civic Center
311 Third Street South
Nampa, ID 83651

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a non-technical explanation of the substance and purpose of the proposed rulemaking:

This rule clarifies the rules governing the movement and disposal of dead animals to make it clear that livestock that are harvested may not be left to decompose, and any variance from the rule must be approved in writing.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

It is necessary to protect the public health, safety, or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. However, this

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DEPARTMENT OF AGRICULTURE
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rule has been discussed with the affected livestock industries.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2007.

DATED this 30th day of July, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

010. DEFINITIONS.

01. Abandon. To desert or intentionally leave a dead animal without proper disposal as provided in these rules. (3-15-02)

02. Administrator. The administrator of the Idaho State Department of Agriculture, Division of Animal Industries. (3-15-02)

03. Air Curtain Incineration. A mechanical process of incineration by which super-heated air is continuously circulated to enhance combustion. (3-15-02)

04. Burial. Interment of a dead animal below the natural surface of the ground. (3-15-02)

05. Burning. The act of consuming or destroying by fire with or without the use of an accelerant. (3-15-02)

06. Composting. The biological decomposition of organic matter under controlled conditions. (3-15-02)

07. Dead Animals. Carcasses and parts of carcasses from dead animals including domesticated livestock, sheep, goats, poultry, pets, and commercial fish. (3-15-02)

08. Dead Animal Emergencies. Those situations involving dead animals that may require extenuating disposal measures as determined by the Administrator. (3-15-02)

09. Decomposition. The decay of dead animals under natural conditions. (3-15-02)

10. Digestion. A process by which organic matter is hydrolyzed. (3-15-02)

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- 11. Director.** The director of the Idaho State Department of Agriculture. (3-15-02)
- 12. Disposal.** The management of a dead animal. (3-15-02)
- 13. Domesticated Livestock.** Bovidae, suidae, equidae, captive cervidae, ~~captive antilocapridae~~, camelidae, ratitidae, gallinaceous birds and captive waterfowl. ~~(3-15-02)~~()
- 14. Harvested.** Domesticated livestock killed by a person if any portion of the carcass is salvaged. ()
- 145. Incineration.** The controlled and monitored combustion of dead animals for the purposes of volume reduction and pathogen control. (3-15-02)
- 156. Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal government department, agency or instrumentality, or any legal entity, which is recognized by law as the subject of rights and duties. (3-15-02)
- 167. Pets.** Cats, dogs, and other non-human species of animals that are kept as household companions. (3-15-02)
- 178. Rendering.** The process or business of recycling dead animals and animal by-products. (3-15-02)
- 189. Sanitary Landfill.** A solid waste disposal site permitted or approved by the Idaho Department of Environmental Quality. (3-15-02)

(BREAK IN CONTINUITY OF SECTIONS)

030. DISPOSAL OF DEAD ANIMALS.

Dead animals shall be disposed of within seventy-two (72) hours after knowledge of the death of the animal or as provided by the Administrator. No person shall dispose of a dead animal on the land of another without the permission of the property owner. Disposal shall be by one (1) of the following methods: (3-15-02)

01. Dead Animals on Federally Managed Land. Animals that die on federally managed rangeland from causes other than significant infectious or contagious diseases or agents shall be disposed of as provided by the rules and regulations of the responsible land management agency. (3-15-02)

02. Disposal Methods Determined by the Administrator. The Administrator may determine the appropriate method of disposal for animals that die of significant infectious or contagious diseases or agents. (3-15-02)

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03. Rendering. If a licensed and approved rendering facility accepts the dead animal, rendering is an approved method of disposal. (3-15-02)

a. When carcasses are held for pickup, the site shall be screened from public view, in a dry area and not in a water runoff or drainage area. (3-15-02)

b. Run-off from the holding area must be contained. (3-15-02)

04. Burial. Dead animals shall be buried to such a depth that no part of the dead animal shall be nearer than three (3) feet to the natural surface of the ground. Every part of the dead animal shall be covered with at least three (3) feet of earth. The location of a burial site shall be: (3-15-02)

a. At least three hundred (300) feet from any wells, surface water intake structures, and public or private drinking water supply lakes or springs. (3-15-02)

b. At least three hundred (300) feet from any existing residences. (3-15-02)

c. At least fifty (50) feet from property lines. (3-15-02)

d. At least one hundred (100) feet from public roadways. (3-15-02)

e. At least two hundred (200) feet from any body of surface water such as a river, stream, lake, pond, intermittent stream, or sinkhole. (3-15-02)

f. Burial sites shall not be located in low-lying areas subject to flooding, or in areas with a high water table where the seasonal high water level may contact the burial pit. (3-15-02)

05. Disposal in an Approved Sanitary Landfill. Arrangements shall be made with a city, county, regional, or private landfill official in order to dispose of a dead animal in a city, county, regional, or private landfill. (3-15-02)

06. Composting. (3-15-02)

a. Composting of dead animals shall be accomplished in a manner approved by the Administrator. (3-15-02)

b. No composters that have been approved by other agencies shall begin composting dead animals without the approval of the Administrator. (3-15-02)

07. Digestion. Digestion of dead animals shall be accomplished in a properly designed and sized dead animal digester approved by the Administrator. (3-15-02)

08. Incineration. (3-15-02)

a. Incineration of dead animals shall be accomplished in an approved incineration facility, or by a mobile air curtain incinerator at a site approved by the Administrator. (3-15-02)

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b. The incineration shall be thorough and complete, reducing the carcass to mineral residue. (3-15-02)

09. Burning. Open burning of dead animals is not allowed, except as authorized by the Administrator, in coordination with the Department of Environmental Quality. (3-15-02)

10. Decomposition. Animals that die on private or state rangeland, except domesticated livestock that are harvested, from causes other than significant infectious or contagious diseases or agents may be left to decompose naturally provided that: ~~(3-15-02)~~(____)

a. They are at least one thousand three hundred twenty (1,320) feet from any wells, lakes, ponds, streams, surface water intake structures, public or private drinking water supply lakes, springs or sinkholes. (3-15-02)

b. They are at least one thousand three hundred twenty (1,320) feet from any public roadways. (3-15-02)

c. They are at least one thousand three hundred twenty (1,320) feet from any residence not owned by the owner of the dead animal. (3-15-02)

11. Allowance for Variances by the Administrator. The Administrator may grant written variances to the requirements of Section 030 on a case-by-case basis. ~~(3-15-02)~~(____)

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.19 - RULES GOVERNING DOMESTIC CERVIDAE

DOCKET NO. 02-0419-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 25-601 and 25-3704, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 27 through 38.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

DATED this 23rd day of October, 2007.

Brian J. Oakey,
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701-0790
(208) 332-8500 / Fax (208) 334-4062

***THE FOLLOWING NOTICE PUBLISHED WITH THE
TEMPORARY AND PROPOSED RULE***

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules Governing Domestic Cervidae

Docket No. 02-0419-0701
PENDING RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 1, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 25-601 and 25-3704, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, September 13, 2007 -- 7:00 - 9:00 pm
Nampa Civic Center
311 Third Street South, Nampa, ID 83651

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a non-technical explanation of the substance and purpose of the proposed rulemaking:

This rule updates and clarifies the domestic cervidae rules including the following sections: Official Identification, Inventory Verification, and adds a new section for Visible Identification.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

It is necessary to protect the public health, safety, or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. However, this rule was developed with input from the domestic cervidae industry.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules Governing Domestic Cervidae

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Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2007.

DATED this 30th day of July, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

010. DEFINITIONS.

01. Accredited Veterinarian. A veterinarian approved by the Administrator and USDA/APHIS/VS, in accordance with Title 9, Part 161, CFR, January 1, 2004, to perform functions required by cooperative state-federal animal disease control and eradication programs. (4-6-05)

02. Administrator. Administrator of the Division of Animal Industries or his designee. (4-2-03)

03. Approved Laboratory. NVSL, an AAVLD accredited laboratory that is qualified to perform CWD diagnostic procedures, or a laboratory designated by the Administrator to perform CWD diagnostic procedures. (4-2-03)

04. Approved Slaughter Establishment. A USDA inspected slaughter establishment at which ante-mortem and post-mortem inspection is conducted by USDA inspectors. (4-2-03)

05. Area Veterinarian in Charge. The USDA/APHIS/VS veterinary official who is assigned to supervise and perform official animal health activities in Idaho. (4-2-03)

06. Breed Associations and Registries. Organizations maintaining permanent records of ancestry or pedigrees of animals, individual animal identification records and records of ownership. (4-2-03)

07. Certificate. An official document issued by a state or federal animal health official or an accredited veterinarian at the point of origin of a shipment of cervidae, which contains information documenting the age, sex, species, individual identification of the animals, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, the status of the animals relative to official diseases, test results and any other information required by the state animal health official for importation or translocation. (4-2-03)

08. Cervid Herd. One (1) or more domestic cervidae or groups of domestic cervidae maintained on common ground or under common ownership or supervision that may be geographically separated but can have interchange or movement. (4-2-03)

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09. Cervidae. Deer, elk, moose, caribou, reindeer, and related species and hybrids including all members of the cervidae family and hybrids. (4-2-03)

10. Chronic Wasting Disease. A transmissible spongiform encephalopathy of cervids, which is a nonfebrile, transmissible, insidious, and degenerative disease affecting the central nervous system of cervidae. (4-2-03)

11. Commingling. Within the last five (5) years, the animals have had direct contact with each other, had less than thirty (30) feet of physical separation, or shared management equipment, pasture, or surface water sources, except for periods of less than forty-eight (48) hours at sales or auctions when a state or federal animal health official has determined such contact presents minimal risk of CWD transmission. (4-2-03)

12. Custom Exempt Slaughter Establishment. A slaughter establishment that is subject to facility inspection by USDA, but which does not have ante-mortem and post-mortem inspection of animals by USDA inspectors. (4-2-03)

13. CWD-Adjacent Herd. A herd of domestic cervidae occupying premises that border a premises occupied by a CWD positive herd, including herds separated by roads or streams. (4-6-05)

14. CWD-Exposed Animal. A cervid animal that is not exhibiting any signs of CWD, but has had contact within the last five (5) years with cervids from a CWD-positive herd or the animal is a member of a CWD-exposed herd. (4-2-03)

15. CWD-Exposed Herd. A herd of cervidae in which no animals are exhibiting signs of CWD, but: (4-2-03)

a. An epidemiological investigation indicates that contact with CWD positive animals or contact with animals from a CWD positive herd has occurred in the previous five (5) years; or (4-2-03)

b. A herd of cervidae occupying premises that were previously occupied by a CWD positive herd within the past five (5) years as determined by the designated epidemiologist; or (4-2-03)

c. Two (2) herds that are maintained on a single premises even if they are managed separately, have no commingling, and have separate herd records. (4-6-05)

16. CWD-Positive Cervid. A domestic cervid on which a diagnosis of CWD has been confirmed through positive test results on any official cervid CWD test by an approved laboratory. (4-2-03)

17. CWD-Positive Herd. A domestic cervidae herd in which any animal(s) has been diagnosed with CWD, based on positive laboratory results, from an approved laboratory. (4-2-03)

18. CWD-Suspect Cervid. A domestic cervid for which laboratory evidence or

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clinical signs suggests a diagnosis of CWD. (4-2-03)

19. CWD-Suspect Herd. A domestic cervidae herd in which any animal(s) has been determined to be a CWD-suspect. (4-2-03)

20. Department. The Idaho State Department of Agriculture. (4-2-03)

21. Death Certificate. A form, approved by the administrator, provided by the Division for the reporting of cervidae deaths and for reporting sample submission for CWD testing. (4-6-05)

22. Designated Epidemiologist. A state or federal veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the Administrator to fulfill the epidemiology duties relative to the state domestic cervidae disease control program. (4-2-03)

23. Director. The Director of the Idaho State Department of Agriculture, or his designee. (4-2-03)

24. Disposal. Final disposition of dead cervidae. (4-2-03)

25. Division. Idaho State Department of Agriculture, Division of Animal Industries. (4-2-03)

26. Domestic Cervidae. Fallow deer (*Dama dama*), elk (*Cervus elaphus*) or reindeer (*Rangifer tarandus*) owned by a person. (4-2-03)

~~**27. Domestic Cervidae Approved Feedlot.** A domestic cervidae ranch, which is a confined dry lot area, where selected domestic cervidae can be secured and isolated from all other domestic and wild cervidae and livestock for the purpose of feeding for slaughter only with no provisions for grazing. (4-2-03)~~

~~**287. Domestic Cervidae Ranch.** A premises where domestic cervidae are held or kept, including multiple premises under common ownership. (4-6-05)~~

~~**298. Electronic Identification.** A form of unique, permanent individual animal identification such as radio frequency identification tag, radio frequency identification implant, or other forms approved by the Administrator. (4-6-05)~~

~~**3029. Escape.** Any domestic cervidae located outside the perimeter fence of a domestic cervidae ranch and not under the immediate control of the owner or operator of the domestic cervidae ranch. (4-2-03)~~

~~**340. Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (4-6-05)~~

~~**321. Herd of Origin.** A cervid herd, on any domestic cervidae ranch or other premise, where the animals were born, or where they were kept for at least one (1) year prior to date of~~

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shipment. (4-2-03)

332. Herd Status. Classification of a cervidae herd with regard to CWD. (4-2-03)

343. Intrastate Movement Certificate. A form approved by the Administrator, and available from the Division, to document the movement of domestic cervidae between premises within Idaho. (4-2-03)

354. Individual Herd Plan. A written herd management agreement and testing plan developed by the herd owner and approved by the Administrator to identify and eradicate CWD from a positive, source, suspect, exposed, or adjacent herd. (4-2-03)

365. Limited Contact. Incidental contact between animals of different herds in separate pens off of the herd's premises at fairs, shows, exhibitions and sales. (4-2-03)

376. Official CWD Test. A test approved by the Administrator and conducted at an approved laboratory to diagnose CWD. (4-2-03)

387. Official Identification. Identification, approved by the Administrator, that individually, uniquely, and permanently identifies each cervid. (4-2-03)

398. Operator. A person who has authority to manage or direct a domestic cervidae ranch. (4-2-03)

4039. Owner. The person that has legal title to, or has financial control of, any domestic cervidae or domestic cervidae ranch (4-2-03)

440. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (4-2-03)

421. Premises. The ground, area, buildings, and equipment utilized to raise, propagate, control, or harvest domestic cervidae. (4-2-03)

432. Quarantine. An order issued on authority of the Administrator, by a state or federal animal health official or accredited veterinarian, prohibiting movement of cervids from any location without a written restricted movement permit. (4-2-03)

443. Quarantine Facility. A confined area where selected domestic cervidae can be secured and isolated from all other cervidae and livestock. (4-2-03)

454. Reidentification. The identification of a domestic cervid which had been officially identified, as provided by this chapter, but which has lost the official identification device, or the tattoo or official identification device has become illegible. (4-2-03)

465. Restrain. The immobilization of domestic cervidae in a chute, other device, or by other means for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (4-2-03)

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476. Restricted Movement Permit. An official document that is issued by the Administrator, AVIC, or an accredited veterinarian for movement of animals from positive, suspect, or exposed herds. (4-2-03)

487. Source Herd. A herd from which at least one (1) cervid has originated within the previous five (5) years and that cervid has been diagnosed CWD positive. (4-2-03)

498. State Animal Health Official. The Administrator, or his designee. (4-2-03)

5049. Status Date. The date on which the Administrator approves in writing a herd status change with regard to CWD. (4-2-03)

540. Trace Back Herd. An exposed herd in which at least one (1) CWD positive animal resided within any of the previous sixty (60) months prior to diagnosis with CWD. (4-2-03)

521. Trace Forward Herd. A herd that has received exposed animals from a positive herd within sixty (60) months prior to the diagnosis of CWD in the positive herd or from the identified point of entry of CWD into the positive herd. (4-2-03)

532. Traceback. The process of identifying the movements and the herd of origin of CWD positive, or exposed animals, including herds that were sold for slaughter. (4-2-03)

543. Wild Cervidae. Any cervid animal not owned by a person. (4-2-03)

554. Wild Ungulate. Any four (4) legged, hoofed herbivore, including cervids and other ruminants, not owned by a person. (4-6-05)

565. Wild Ungulate Cooperative Herd Plan. A plan, developed cooperatively by the owner of the domestic cervidae ranch, the ISDA, and the Idaho Department of Fish and Game to determine the disposition of any wild ungulates that are found to be located on a domestic cervidae ranch. (4-6-05)

(BREAK IN CONTINUITY OF SECTIONS)

022. TYPES OF OFFICIAL IDENTIFICATION.

All domestic cervidae shall be individually identified by two (2) of the following types of official identification, at least one (1) of the types of official identification must be a bangle or lamb tag that is visible from one hundred fifty (150) feet. (4-2-03)()

01. Official USDA Eartag. (4-2-03)

02. Tattoo. Legible skin tattoo using an alphanumeric tattoo sequence that has been recorded with the Division of Animal Industries. The tattoo shall be applied to either the ear or escutcheon. (4-6-05)

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03. Electronic Identification. A form of electronic identification, approved by the Administrator. (4-6-05)

04. Official NAEBA Eartag. (4-2-03)

05. Official ISDA Cervidae Program Eartag. A tamper resistant, unique number sequenced, individual identification tag approved by the Administrator. (4-2-03)

06. Official HASCO Brass Lamb Tag. This brass lamb tag shall be engraved with farm name and individual animal identification number. (4-2-03)

07. Freeze Brands. Legible, freeze brands which uniquely identify the individual domestic cervid. (4-6-05)

08. Ranch Specific Unique Bangle or Lamb Tags. The Administrator may grant written approval for the use of bangle or lamb tags that are: ()

a. Ranch specific; and ()

b. Tamper resistant; and ()

c. Uniquely numbered; and ()

d. Correlated with another type of official identification on the annual inventory report. ()

089. Other Identification. Other forms of unique individual identification approved by the Administrator. (4-6-05)

023. -- 029. (RESERVED).

030. OFFICIAL VISIBLE IDENTIFICATION.

01. Ear Tags. All domestic cervidae must be identified with a bangle or lamb tag that is visible from one hundred fifty (150) feet. ()

02. Size. The large portion of the bangle or lamb tag must be at least two (2) square inches. ()

03. Color. No visible identification shall have a primary color of brown, black, pink, tan, or silver. ()

04. Camouflage Patterns. No visible identification shall utilize camouflage patterns. ()

0231. REIDENTIFICATION OF DOMESTIC CERVIDAE.

No domestic cervidae that were marked with official identification shall be re-tattooed for the

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purpose of reestablishing their identification nor shall any domestic cervidae be re-ear-tagged with an official identification eartag at any time subsequent to the original identification, except that re-tattooing or re-ear-tagging for the purpose of reestablishing the official identification shall be allowed under the following conditions: (4-2-03)

01. Supervision. Reidentification shall be accomplished under the supervision of an accredited veterinarian, or state or federal animal health officials. (4-2-03)

02. Permanent Identification. Animals that are presented for reidentification shall have some permanent identification which will identify the animals as those originally officially identified such as an individual animal registration tattoo, or other approved permanent identification, provided that such identification was submitted on the annual inventory report or other official record. (4-2-03)

03. Inventory Evaluation. In absence of permanent identification, the Administrator may conduct an investigation or inventory evaluation to determine identity of the animal that is being presented for reidentification. (4-2-03)

04. Reproduction of Original Tattoo. Re-tattooing shall reproduce the original tattoo, which was placed in the animal's ear at the time of official identification. (4-2-03)

05. Records. The accredited veterinarian, or state or federal animal health official, who supervises the reidentification shall correlate the new identification with previous identification and record the eartag or other identification numbers, the tattoo symbols and the owner's name and address and submit the reidentification record to the Division within ten (10) days of the date of reidentification. (4-2-03)

032. -- 039. (RESERVED).

0240. INSPECTIONS.

To prevent the introduction and dissemination, or to control and eradicate diseases, state and federal animal health officials are authorized to inspect cervidae records, premises, facilities, and domestic cervidae to ensure compliance with the provisions of this chapter and other state or federal laws or rules applicable to domestic cervidae. State and federal animal health officials shall comply with the operation's biosecurity protocol so long as the protocol does not inhibit reasonable access to: (4-2-03)()

01. Entry. Enter and inspect, at reasonable times, the premises of domestic cervidae ranches and inspect domestic cervidae. ()

02. Access to Records. Review or copy, at reasonable times, any records that must be kept in accordance with these rules. ()

041. -- 049. (RESERVED).

0250. GENETICS.

Domestic cervidae that have red deer genetic influence shall not be imported into Idaho. Additionally, any domestic cervidae located in Idaho that are identified as having red deer genetic

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influence shall be destroyed, removed from the state, or neutered. (4-2-03)

051. -- 059. (RESERVED).

0260. WILD CERVIDAE.

Wild cervidae shall not be confined, kept or held on a domestic cervidae ranch. (4-2-03)

01. Duty of Ranch Owner. It shall be the duty of owners of all domestic cervidae ranches to take precautions, and to conduct periodic inspections, to ensure that wild cervidae are not located within the perimeter fence of any domestic cervidae ranch. (4-2-03)

02. Notification of Administrator. All owners or operators of domestic cervidae ranches shall notify the Administrator within twenty-four (24) hours of gaining knowledge of the presence of wild cervidae inside the perimeter fence of the domestic cervidae ranch. (4-2-03)

03. Failure to Notify the Administrator. The failure of any owner or operator of a domestic cervidae ranch to notify the Administrator of the presence of wild cervidae within the perimeter fence of a domestic cervidae ranch is a violation of this chapter. (4-2-03)

04. Idaho Department of Fish and Game. Upon receiving notification that wild cervidae are on a domestic cervidae ranch the Administrator shall notify the Idaho Department of Fish and Game. (4-2-03)

05. Wild Ungulate Cooperative Herd Plan. The Idaho Department of Fish and Game shall cooperate with ISDA and the owners or operators of domestic cervidae ranches where any wild cervidae or wild ungulates are present within the external perimeter fence of the domestic cervidae ranch to develop and implement a site specific written herd plan to address the disposition of the wild cervidae or wild ungulates. (4-6-05)

061. -- 069. (RESERVED).

0270. SUPERVISION OF DOMESTIC CERVIDAE PROGRAM.

A department veterinary medical officer shall provide routine supervision of the domestic cervidae program. (4-2-03)

071. -- 079. (RESERVED).

0280. DISPOSAL OF DOMESTIC CERVIDAE.

All domestic cervidae carcasses and parts of carcasses not utilized for human consumption, except parts of carcasses utilized for taxidermy purposes, shall be disposed of in compliance with IDAPA 02.04.17, "Rules Governing Dead Animal Movement And Disposal." (4-2-03)

081. -- 089. (RESERVED).

0290. FEES.

~~**01. Domestic Cervidae Ranches.**~~ A fee, not to exceed five dollars (\$5) per head on elk or three dollars (\$3) per head on fallow deer and reindeer, is to be assessed on all domestic

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cervidae in the state to cover the cost of administering the program covered in these rules. This fee is due January first of each year. (4-2-03)()

~~02. Domestic Cervidae Approved Feedlots. A fee of five dollars (\$5) per head on elk and three dollars (\$3) per head on fallow deer and reindeer, shall be paid on all cervidae entering domestic cervidae approved feedlots to cover the cost of administering the program covered in these rules. This fee is due January first of each year. (4-2-03)~~

~~03091.~~ -- 099. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

102. PERIMETER FENCE REQUIREMENTS.

A perimeter fence, completely enclosing the domestic cervidae ranch shall be constructed of high-tensile, non-slip woven wire or other fencing material approved by the Administrator. (4-2-03)

01. Elk and Fallow Deer. For elk and fallow deer, the fence shall be a minimum of eight (8) feet in height for its entire length at all times. (4-2-03)

02. Reindeer. For reindeer, the fence shall be at least six (6) feet in height for its entire length at all times. (4-2-03)

03. Wire. The top two (2) feet of each fence may be smooth, barbed or woven wire (at least twelve and one-half (12-1/2) gauge) with horizontal strands spaced not more than six (6) inches apart. (4-2-03)

a. Wire shall be placed on the animal side of the fence to prevent pushing the wire away from the posts. (4-2-03)

b. Wire shall be attached to all posts at the top, bottom, and not more than ~~twelve~~ eighteen (12~~8~~) inches apart between the top and bottom of the wire. (4-2-03)()

04. Posts. ~~Wooden~~ Posts used in the perimeter fence shall be at least butt-end treated with a commercially available preservative and have a minimum of four (4) inch top for line posts and a minimum of five (5) inch top for corner posts. Metal pipe posts must be a minimum of two and one-eighth (2-1/8) inches outside diameter with a three-sixteenths (3/16) inch wall thickness for line posts and two and seven eighths (2-7/8) inches outside diameter with a seven-thirty-seconds (7/32) inch wall thickness for corner posts. Posts shall be spaced no more than twenty-four (24) feet apart, with stays, supports or braces as needed, and be placed in the ground a minimum of three (3) feet. (4-2-03)()

05. Gates. Each domestic cervidae ranch shall have gates that prohibit the escape of domestic cervidae or the ingress of wild cervidae. (4-2-03)

06. Fence Maintenance. Fences shall be maintained, at all times that domestic cervidae are present, to prevent domestic cervidae from escaping or native wild cervidae from

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entering the enclosure. (4-2-03)

07. Exceptions. The Administrator may grant exceptions to the specifications in Section 102 on a case specific basis. (4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

202. INVENTORY VERIFICATION.

State or federal animal health officials shall verify all domestic cervidae ranch inventories of animals held and individual animal identification annually. (4-2-03)

01. Visible Identification. Individual animal identification verification may be accomplished by visually noting the unique official visible identification number or visually noting an unofficial visible identification number if the number is correlated with two (2) forms of official identification on the inventory submitted by the cervidae producer. The Administrator may, on a case by case basis, grant written permission for ranch specific unique bangle tags to be used for official identification. (4-6-05)(____)

02. Duty to Gather and Restrain. It shall be the duty of the owner of each domestic cervidae ranch to gather and restrain any domestic cervidae, which state or federal animal health officials determine are not readily identifiable, for inventory verification purposes. The Administrator shall determine the suitability of the restraint system. (4-2-03)

(BREAK IN CONTINUITY OF SECTIONS)

205. NOTICE OF DEATH OF DOMESTIC CERVIDAE.

The death of all domestic cervidae over one (1) year of age ~~shall~~ and all domestic cervidae that have been officially identified and inventoried must be reported by the owner or operator to the division: (4-6-05)(____)

01. Reports. The initial report of a cervidae death may be made by telephone, facsimile, or electronic mail, and then followed by the submission of ~~CWD sample submission form~~ the death certificate. (4-6-05)(____)

02. Submission of Death Certificates. CWD sample submission forms/death certificates shall be submitted to the division by regular mail, facsimile, or by other means as approved by the Administrator. (4-6-05)

03. Reporting Deaths at Domestic Cervidae Ranches. The owner or operator of a domestic cervidae ranch shall notify the division within five (5) business days of when the owner or operator knew or reasonably should have known of the death. (4-2-03)(____)

04. Reporting Deaths at Approved and Custom Exempt Slaughter Establishments. The owners of cervidae that are slaughtered shall report the death within five (5)

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business days of the date that the cervidae was slaughtered.

(4-2-03)(____)

(BREAK IN CONTINUITY OF SECTIONS)

500. SURVEILLANCE FOR CWD.

01. Slaughter Surveillance. Brain ~~or other~~ tissues, from one hundred percent (100%) of all domestic cervidae sixteen (16) months of age or older that are slaughtered at approved slaughter establishments or custom exempt slaughter establishments, shall be submitted, by the owner of the slaughtered cervidae, to official laboratories to be tested or examined for CWD as provided for in these rules.

(4-2-03)(____)

02. Domestic Cervidae Ranch Surveillance. Brain ~~or other~~ tissues, from one hundred percent (100%) of all domestic cervidae sixteen (16) months of age or older that die, or are ~~slaughtered, or~~ harvested ~~by hunting~~ on domestic cervidae ranches shall be submitted, by the owner or operator of the domestic cervidae ranch, to official laboratories to be tested or examined for CWD, as provided for in these rules, except Reindeer and fallow deer unless the Reindeer or fallow deer are part of a CWD positive, exposed, trace, source or suspect herd or part of an elk herd.

(4-2-03)(____)

(BREAK IN CONTINUITY OF SECTIONS)

507. -- 5989. (RESERVED).

~~600. DOMESTIC CERVIDAE APPROVED FEEDLOTS.~~

~~Domestic cervidae may be fed for slaughter in an Idaho Domestic Cervidae Approved Feedlot for a time period of up to six (6) months, except for domestic cervidae calves born in the feedlot.~~

(4-2-03)

~~**01. Grazing.** No Domestic Cervidae Approved Feedlot shall permit pasturing or grazing.~~

(4-2-03)

~~**02. Maintain All Original Identification.** All original animal identification devices shall be maintained and records of new identification devices shall show original identification and disposition. These records shall be maintained for three (3) years following disposition of the domestic cervidae for animal health tracing purposes.~~

(4-2-03)

~~**03. All Cervidae Shall Be Separated by Sex.** All cervidae on the facility shall be penned separately by sex so that no breeding can occur.~~

(4-2-03)

~~**04. Pregnant Female Cervidae Allowed to Calve.** Female cervidae, which are pregnant at the time of entry into the feedlot, may be allowed to calve in the feedlot. All calves may remain in the feedlot up to sixteen (16) months of age prior to moving to an approved slaughter establishment.~~

(4-2-03)

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~~05. **All Cervidae Leaving the Facility.** All cervidae, including calves born to female cervidae in the feedlot, leaving the facility shall move only to slaughter at an approved slaughter establishment. (4-6-05)~~

~~06. **Escapes.** All domestic cervidae that escape from a Domestic Cervidae Approved Feedlot shall immediately be destroyed. The owner or operator of the Domestic Cervidae Approved Feedlot shall notify the Administrator by phone, facsimile, or other means as approved by the Administrator within twenty four (24) hours of the first knowledge of the escape. (4-6-05)~~

~~07. **Domestic Cervidae Deaths.** All deaths of domestic cervidae shall be reported, by the owner or operator of the domestic cervidae feedlot, to the Administrator within twenty four (24) hours of the death. (4-2-03)~~

~~08. **CWD Testing.** The owner or operator of the domestic cervidae feedlot shall collect and submit tissue samples for CWD testing in accordance with Section 501 for all cervidae that enter the feedlot. (4-2-03)~~

~~09. **Notification of Disease.** Every owner or operator of a Domestic Cervidae Approved Feedlot that observes the appearance of, or signs of any disease or diseases, or who has knowledge of exposure of the cervidae to diseases that constitute an emergency shall give immediate notice, by telephone or facsimile to the Administrator. (4-2-03)~~

~~601. **APPLICATION FOR DOMESTIC CERVIDAE APPROVED FEEDLOT.**~~

~~Application for Domestic Cervidae Approved Feedlot status shall be made on application forms available from the Administrator. (4-2-03)~~

~~602. **ADMINISTRATOR APPROVAL.**~~

~~The Administrator may approve Domestic Cervidae Approved Feedlot Applications after the domestic cervidae feedlot has been inspected by state or federal animal health officials and meets all requirements for a Domestic Cervidae Approved Feedlot as described in this Section: (4-2-03)~~

~~01. **Cervidae Secured.** The feedlot management has demonstrated that domestic cervidae can be secured in the feedlot and the feedlot has met the facility requirements in Section 603; and (4-2-03)~~

~~02. **Adequate Records.** Domestic Cervidae Approved Feedlot records are adequate to show the origin and disposition of the domestic cervidae in the feedlot; and (4-2-03)~~

~~03. **Adequate Resources.** The Administrator determines that the Division of Animal Industries has adequate personnel and fiscal resources to assure that the feedlot abides by the provisions of this Chapter; and (4-2-03)~~

~~04. **Past History.** The Administrator may take past enforcement or violation history into consideration when making the final determination of whether or not to approve a feedlot. (4-2-03)~~

~~603. **DOMESTIC CERVIDAE APPROVED FEEDLOT REQUIREMENTS.**~~

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~~All Domestic Cervidae Approved Feedlots shall comply with the facility requirements for domestic cervidae ranches in this Chapter, and the following:~~ (4-2-03)

~~01. **Perimeter Fence.** A double perimeter fence, constructed in accordance with Section 102, with a minimum of thirty (30) feet of separation between the perimeter fences.~~ (4-2-03)

~~02. **Interior Fence.** All interior fences shall have a visual barrier such that domestic cervidae cannot see the exterior fence.~~ (4-2-03)

~~03. **Access to Live Water.** There can be no access to live surface water by the animals in the facility.~~ (4-2-03)

~~04. **Prohibited in Areas with Resident or Migratory Wild Cervidae Herds.** Domestic Cervidae Approved Feedlots are not allowed in areas with preexisting wild cervidae herds during any part of the year as determined by the Administrator.~~ (4-2-03)

~~05. **Geographically Separate from Any Other Domestic Cervidae Ranch or Other Livestock Facility.** Domestic Cervidae Approved Feedlots are to be geographically separated from any other domestic cervidae ranch or other livestock facility as determined by the Administrator.~~ (4-2-03)

~~06. **Waste Containment.** All manure, runoff and wastewater shall be contained on the facility in a manner approved by the Administrator.~~ (4-2-03)

~~604. **DOMESTIC CERVIDAE APPROVED FEEDLOT NUMBER.** Feedlots approved by the Administrator shall receive a Domestic Cervidae Approved Feedlot Number.~~ (4-2-03)

~~605. **EXPIRATION OF APPROVED STATUS.** Approved domestic cervidae feedlot status shall expire on September 1 of each year. It shall be the responsibility of feedlot management to apply each year for renewal of approved status.~~ (4-2-03)

~~606. **CONTENT OF RECORDS FOR DOMESTIC CERVIDAE APPROVED FEEDLOTS.** All domestic cervidae approved feedlots shall keep accurate and complete records of all cervidae in the feedlot. These records shall readily show:~~ (4-2-03)

~~01. **Animals Received.** The number, species, age, sex, origin, date of entry, individual identification, and final disposition of all cervidae received at the feedlot.~~ (4-2-03)

~~02. **Animals Removed from Feedlot.** The date of removal or sale, and destination of any animals removed.~~ (4-2-03)

~~03. **Death Loss.** That the deaths of all cervidae have been accurately recorded.~~ (4-2-03)

~~04. **Requirements.** That all applicable permit, test, examination, identification, and vaccination requirements have been met.~~ (4-2-03)

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~~607. RECORDS RETENTION.~~

~~Feedlot records shall be retained by the feedlot for a period of not less than three (3) years following removal of the cervidae from the feedlot.~~ (4-2-03)

~~608. ENTRY REQUIREMENTS.~~

~~Idaho Domestic Cervidae Approved Feedlots are allowed to feed all classes of cervidae, which are not known to be exposed to brucellosis, tuberculosis, or CWD, except that no cervidae from a CWD endemic area, as determined by the Administrator, shall be imported into a Domestic Cervidae Approved Feedlot.~~ (4-2-03)

~~609. DOMESTIC CERVIDAE APPROVED FEEDLOT CLOSURE.~~

~~Domestic Cervidae Approved Feedlot owners may close the facility by shipping all domestic cervidae to slaughter at an approved slaughter establishment.~~ (4-2-03)

~~**01. Records.** Feedlot records shall be retained by the feedlot owner for a period of not less than three (3) years following removal of the cervidae from the feedlot, or transferred to the Division.~~ (4-2-03)

~~**02. Repopulation of Facility.** The Administrator shall determine the method and timeframes for repopulation of the facility with domestic cervidae or other livestock, and any required cleaning and decontamination.~~ (4-2-03)

~~610.—619. (RESERVED).~~

~~620. INSPECTION.~~

~~The feedlot premises, the domestic cervidae therein, and the feedlot records shall be presented for inspection, during normal business hours, to the Administrator.~~ (4-2-03)

~~621. REVOCATION OF APPROVED FEEDLOT STATUS.~~

~~The Administrator may revoke approved feedlot status by notifying the owner in writing.~~ (4-2-03)

~~**01. Failure to Comply.** In addition to any other department administrative or civil action, failure on the part of the feedlot operator to comply with the requirements of this chapter shall result in revocation of the Idaho Domestic Cervidae Approved Feedlot status.~~ (4-2-03)

~~**02. Operator Request.** Operators may have the approved feedlot status revoked by emptying the feedlot and requesting in writing that the status be revoked.~~ (4-2-03)

~~**03. Regulation Changes.** Idaho Domestic Cervidae Approved Feedlot status may be revoked at such time as revocation is required by changes in state or federal rules or regulations.~~ (4-2-03)

~~**04. Disposition of Domestic Cervidae.** Should the Idaho Domestic Cervidae Approved Feedlot status be revoked, domestic cervidae still in the feedlot shall be removed from the feedlot as provided in Section 600 of this chapter. The Administrator shall have the authority to impose time limits for removal of domestic cervidae.~~ (4-2-03)

~~622.—989. (RESERVED).~~

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IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.20 - RULES GOVERNING BRUCELLOSIS

DOCKET NO. 02-0420-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-601, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 22 and 23.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

DATED this 7th day of November, 2007.

Brian J. Oakey
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
Fax (208) 334-4062

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules Governing Brucellosis

Docket No. 02-0420-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **July 23, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 25-601, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Monday, October 15, 2007
7:00 - 8:00 PM
Nampa Civic Center
311 Third Street South
Nampa, ID 83651

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a non-technical explanation of the substance and purpose of the proposed rulemaking:

Idaho's brucellosis status has been upgraded from "Class A" to "Class Free". This rule repeals certain requirements on cattle exported from Idaho to reflect this change in status.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Compliance with deadlines in amendments to governing law or federal programs.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. However, this rule has been discussed with Idaho's cattle industry.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed

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Rules Governing Brucellosis**Docket No. 02-0420-0701**
PENDING RULE

rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 13th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

028. BRUCELLOSIS TESTING.

The Administrator may require *brucellosis* testing of cattle, domestic bison, swine, domestic cervidae, or other animals. (5-3-03)

01. Duty to Restrain. It shall be the duty of each person who has control of such animals to pen the animals in suitable pens and restrain them for the test when directed to do so in writing by the Administrator. (5-3-03)

02. Records of Tests. When any cattle, domestic bison, swine, or domestic cervidae are tested for brucellosis a complete test record shall be made and the record shall be shown on an official brucellosis test form provided by the Administrator. The test form shall be completely filled out, including the following information: (5-3-03)

- a.** The name and address of the owner and the location of the animals at the time of test. (5-3-03)
- b.** The name and signature of the person conducting the test. (5-3-03)
- c.** Individual identification number of each animal and the registration name and number of each purebred animal. (5-3-03)
- d.** Age of each animal. (5-3-03)
- e.** Sex of each animal. (5-3-03)
- f.** Breed of each animal. (5-3-03)
- g.** Species of animals tested. (5-3-03)
- h.** Vaccination status, including the vaccination tattoo for each vaccinated animal. (5-3-03)
- i.** Test results, if a *brucellosis* test has been performed, for each animal. (5-3-03)

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- j. Date sample was collected for testing. (3-30-07)

03. Interstate Movement. All test eligible cattle and domestic bison exported from Idaho shall be tested negative for *brucellosis* within thirty (30) days prior to the interstate movement ~~except~~ if required by the state of destination. (3-30-07)(____)

~~a. Cattle or domestic bison moving directly from the herd of origin to an approved slaughter establishment or to a specifically approved livestock market to be sold for immediate slaughter, if herd of origin identity is maintained.~~ (3-30-07)

~~b. Individual commuter herds moving from Idaho to another state if both state veterinarians agree in writing that testing may be waived.~~ (3-30-07)

~~c. Intact female cattle and domestic bison between eighteen (18) months of age and twenty-four (24) months of age that are not pregnant, and are being moved to a feedlot, provided that the state veterinarian in the receiving state and the Idaho state veterinarian agree in writing that testing may be waived.~~ (3-30-07)

~~d. Cattle and domestic bison, from a certified brucellosis free herd, moving with a certificate of veterinary inspection stating the animals originated from a certified brucellosis free herd.~~ (3-30-07)

04. Dairy Herds. *Brucellosis* ring tests shall be conducted on all dairy herds at least ~~quarterly~~ once every six (6) months. (3-30-07)(____)

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS

DOCKET NO. 02-0421-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is September 1, 2007. This pending rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 25-207, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This rule updates the requirements for importation of animals into Idaho, including the Trichomoniasis, Domestic Cervidae, and Rabies sections, and adds sections for the importation of fish.

The Department held a public hearing in Nampa, Idaho, on August 23, 2007, based on public comments and comments submitted by the Division of Animal Industries, this pending rule amends the following Sections: 240.01.b Tuberculosis Test Requirements, 601.03 Testing Requirements, and 670. VHSV Positive Areas.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department of Agriculture amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin.

The original text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, page(s) 14 through 21.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: No fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact John Chatburn,

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules Governing the Importation of Animals

Docket No. 02-0421-0701
PENDING RULE

Deputy Administrator at (208) 332-8540.

DATED this 28th day of September, 2007.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701-0790
(208) 332-8500 / Fax (208) 334-4062

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **September 1, 2007.**

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 25-207, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, August 23, 2007 -- 7:00 - 8:00 pm
Nampa Civic Center
311 Third Street South, Nampa, ID 83651

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a non-technical explanation of the substance and purpose of the proposed rulemaking:

This rule updates the rules for importation of animals into Idaho, including the Trichomoniasis, Domestic Cervidae, and Rabies sections, adds sections for the importation of fish, and makes typographical and grammatical corrections.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

It is necessary to protect the public health, safety, or welfare.

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FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. However, this rule was developed with input from the industry segments affected.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 23, 2007.

DATED this 10th day of July, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

010. DEFINITIONS.

01. Accredited Veterinarian. A veterinarian approved by the Administrator and USDA/APHIS/VS in accordance with provisions of Title 9, Part 161, Code of Federal Regulations to perform functions of State-Federal animal disease control programs. (5-3-03)

02. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (5-3-03)

03. Animals. All vertebrates, except humans. (5-3-03)

04. Approved Brucella Vaccine. A vaccine product that is approved by and produced under license of the United States Department of Agriculture for administration to cattle, domestic bison, swine or domestic cervidae for the purpose of enhancing the resistance to brucellosis. (5-3-03)

05. Approved Feedlot. A feedlot approved by the Administrator to feed female cattle and domestic bison which have not been officially vaccinated against brucellosis or other bovidae

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not in compliance with Idaho's rules. (5-3-03)

06. Approved Slaughter Establishment. A USDA inspected slaughter establishment at which ante-mortem and post-mortem inspection is conducted by USDA inspectors. (5-3-03)

07. Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. (5-3-03)

08. Brucellosis Surveillance Area or High Risk Areas. Any area of a state that has been identified by USDA/APHIS/VS or state animal health officials as an area that poses a greater risk for transmission of brucellosis than would be expected based upon the official classification of the state. (5-3-03)

09. Camelids. Llamas, alpacas, vicunas, camels. (5-3-03)

10. Cattle. All bovidae including domestic bison. (5-3-03)

11. Certificate. An official certificate of veterinary inspection or other approved certificate issued by an accredited veterinarian, state or federal animal health official or other approved official at the point of origin of the shipment of animal(s) being imported. (5-3-03)

12. Department. The Idaho State Department of Agriculture. (5-3-03)

13. Director. The director of the Idaho State Department of Agriculture or his designee. (5-3-03)

14. Division of Animal Industries. Idaho State Department of Agriculture, Division of Animal Industries. (5-3-03)

15. Domesticated. Propagated and maintained under the control of a person. (5-3-03)

16. Domestic Bison. All animals in the family Bison that are owned by a person. (5-3-03)

17. Domestic Cervidae. Elk, fallow deer and reindeer that are owned by a person. (5-3-03)

18. Exposed. Animals that have had direct contact with other animals, herds, or materials that have been determined to be infected with or affected by any infectious, contagious, or communicable disease. (5-3-03)

19. Federal Animal Health Official. An employee of USDA/APHIS/VS who has been authorized to perform animal health activities. (5-3-03)

20. Feeder Animals. Animals to be fed for slaughter only. (5-3-03)

21. Game Birds. Domesticated gallinaceous fowl such as pheasants, partridge, quail, grouse and guineas. (5-3-03)

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- 22. Hatching Eggs.** Fertilized eggs. (5-3-03)
- 23. Livestock.** Shall mean cattle, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (5-3-03)
- 24. Negative.** Animals are classified as negative when they have been subjected to official tests for a disease, and the tests performed have failed to disclose evidence of the disease. (5-3-03)
- 25. Official Identification.** The unique individual identification of cattle, domestic bison, swine, or domestic cervidae in accordance with the rules governing each species. (5-3-03)
- 26. Official Vaccinate.** Cattle or domestic bison female that was inoculated, in accordance with IDAPA 02.04.20 "Rules Governing Brucellosis" or the Brucellosis Eradication UM&R, with an approved Brucella vaccine. (5-3-03)
- 27. Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (5-3-03)
- 28. Poultry.** The term shall mean chickens, turkeys, ducks, geese, guinea fowl, pigeons, pheasants, domestic fowl, waterfowl and gamebirds. (5-3-03)
- 29. Quarantine.** A written order, executed by the Administrator, to confine or hold animals on a premise or any other location, where found, and prevent movement of animals from a premise or any other location when the administrator has determined that the animals are infected with or exposed to a disease, or are not in compliance with the provisions of this chapter. (5-3-03)
- 30. Ratites.** Ostrich, emu, rhea and cassowaries. (5-3-03)
- 31. Slaughter Animals.** Animals of any kind for immediate slaughter, or those consigned for slaughter within fourteen (14) days of date of shipment. (5-3-03)
- 32. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication programs. (5-3-03)
- 33. VHSV Positive Area.** Any area or region that has been identified by USDA as affected by VHSV. ()
- 333. Waterfowl.** Domestic fowl that normally swim, such as ducks and geese. (5-3-03)
- 345. Wildlife.** Any animal generally living in a state of nature except, domestic bison, domestic cervidae, ~~and~~ domestic fur bearing animals, and fish. (~~5-3-03~~)()

011. ABBREVIATIONS.

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- | | | |
|------|---|--------------------------|
| 01. | APHIS. Animal <u>and</u> Plant Health Inspection Service. | (5-3-03)() |
| 02. | AVIC. Area Veterinarian in Charge. | (5-3-03) |
| 03. | AZA. American Zoological Association. | (5-3-03) |
| 04. | CF. Complement Fixation Test. | (3-30-07) |
| 05. | CFR. Code of Federal Regulations. | (5-3-03) |
| 06. | CWD. Chronic Wasting Disease. | (5-3-03) |
| 07. | EIA. Equine Infectious Anemia. | (5-3-03) |
| 08. | NAEBA. North American Elk Breeders Association. | (5-3-03) |
| 09. | NPIP. National Poultry Improvement Plan. | (5-3-03) |
| 10. | <u>PCR. Polymerase Chain Reaction.</u> | () |
| 101. | TB. Tuberculosis. | (5-3-03) |
| 142. | UM&R. Uniform Methods and Rules. | (5-3-03) |
| 123. | USDA. United States Department of Agriculture. | (5-3-03) |
| 14. | <u>VHSV. Viral Hemorrhagic Septicemia Virus.</u> | () |
| 135. | VS. Veterinary Services. | (5-3-03) |

(BREAK IN CONTINUITY OF SECTIONS)

220. GRAZING CATTLE.

Cattle herds moved into Idaho or from Idaho to other states for seasonal grazing periods shall be moved only under special grazing permits issued jointly by the Division of Animal Industries and the chief livestock sanitary official in a state which reciprocates with Idaho in honoring grazing permits. (3-30-07)

01. Grazing Permits. Grazing permits shall be for one (1) specified season only and shall be issued on a case-by-case basis. (3-20-04)

02. Tests. The Administrator, in cooperation with the appropriate agency of the reciprocating state, shall have the authority to impose ~~a~~ tuberculosis, brucellosis, trichonomiasis, or other tests on cattle entering for grazing purposes. This test requirement shall be evaluated on an annual basis by the Administrator and the chief livestock sanitary official of the reciprocating

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state.

(~~3-30-07~~)()

03. Herd Ownership. Cattle herds permitted to move under the provisions of Section 220 shall be established herds. Change of ownership of the herd shall not be allowed while the herd is under the requirements of the grazing permit, and the cattle shall be moved interstate with such certification, identification and testing requirements as the Administrator may require.

(3-20-04)

(BREAK IN CONTINUITY OF SECTIONS)

240. TUBERCULOSIS TEST REQUIREMENTS.

Cattle and domestic bison may enter the state of Idaho provided:

(5-3-03)

01. Tuberculosis Accredited Free State or Zone. Cattle and bison that originate from a bovine tuberculosis accredited free state or zone, as defined by USDA in Title 9, Part 77, CFR, in which there are no animals or herds infected with or exposed to tuberculosis may be imported upon meeting the following requirements:

(4-11-06)

a. Cattle of beef breeds may enter the state without a tuberculosis test. (4-11-06)

b. All sexually intact male and female cattle, six (6) months of age and older, of dairy breeds, shall be officially identified and tested negative for tuberculosis, within sixty (60) days prior to entry into the state of Idaho *except intact male and female cattle of dairy breeds consigned directly to a feedlot approved for finish feeding of cattle for slaughter only relative to tuberculosis may enter by permit without a tuberculosis test provided the cattle have been individually identified on a certificate of veterinary inspection.*

(~~4-11-06~~)()

c. All sexually intact male and female cattle, six (6) months of age and older, of dairy breeds, may enter Idaho for the purpose of participating in shows or exhibitions, by permit, without a tuberculosis test.

(4-11-06)

02. Tuberculosis Accredited Free Herd. Cattle and bison that originate in an accredited tuberculosis free herd in either an accredited free state or zone, a modified accredited advanced state or zone, or a modified accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, and for which both an accredited herd number and date of last tuberculosis test are shown on the certificate of veterinary inspection, may enter the state without a tuberculosis test.

(5-3-03)

03. Tuberculosis Modified Accredited Advanced State or Zone. Cattle and bison that originate from a modified accredited advanced state or zone, as defined by USDA in Title 9, Part 77, CFR, and are not known to be infected with or exposed to tuberculosis, may be imported upon meeting the following requirements:

(5-3-03)

a. Steers, spayed heifers, and intact heifers of beef breeds that are less than fifteen (15) months of age, which are consigned for grazing, or steers, spayed heifers, and intact heifers

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of beef breeds that are consigned directly to a feedlot approved for finish feeding of cattle or bison relative to tuberculosis, may enter without individual identification or testing for tuberculosis; and (3-20-04)

b. All other cattle and bison, except those moving on grazing permits issued by the Administrator under the provisions of Section 220 and those consigned for immediate slaughter at an approved slaughter establishment, shall be tested for tuberculosis with negative results within sixty (60) days prior to entry into Idaho. (3-20-04)

04. Tuberculosis Modified Accredited State or Zone. Cattle and bison that originate in a modified accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, and which are not known to be infected with or exposed to tuberculosis, may enter Idaho under one (1) of the following conditions: (5-3-03)

a. The cattle and bison are steers, spayed heifers or intact heifers which are consigned directly to a feedlot approved for finish feeding of cattle and bison relative to tuberculosis and that have been individually identified and classified negative on an official tuberculosis test within sixty (60) days prior to entry into Idaho; or (5-3-03)

b. The cattle and bison are consigned for immediate slaughter at an approved slaughter establishment; or (5-3-03)

c. The cattle and bison have been subjected to two (2) official tuberculosis tests, the results of which are negative, the first test shall be a whole herd test, the second test shall be at least sixty (60) days, and no more than six (6) months, after the whole herd test and shall be not more than sixty (60) days prior to entry into Idaho. (5-3-03)

05. Tuberculosis Accredited Preparatory State or Zone. Cattle and bison that originate in an accredited preparatory state or zone, as defined by USDA in Title 9, Part 77, CFR, and which are not known to be infected with or exposed to tuberculosis, may enter Idaho under one (1) of the following conditions: (5-3-03)

a. The cattle and bison are steers, spayed heifers or intact heifers which are consigned directly to a feedlot approved for finish feeding of cattle and bison relative to tuberculosis and that are individually identified and have been classified negative on two (2) official tuberculosis tests conducted at least sixty (60) days but not more than six (6) months apart with the second test being conducted not more than sixty (60) days prior to entry into Idaho; or (5-3-03)

b. The cattle and bison originate in a tuberculosis accredited free herd, are individually identified, and have been tested negative on an official tuberculosis test within sixty (60) days prior to entry into Idaho; or (5-3-03)

c. The cattle and bison are individually identified, are from a herd that has been subjected to a complete tuberculosis herd test with negative results within the past twelve (12) months and the animals being imported have been subjected to two (2) additional official tuberculosis tests with negative results, conducted not less than sixty (60) days apart with the second test being conducted not more than sixty (60) days prior to the date of importation. (5-3-03)

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06. Tuberculosis Non-Accredited State or Zone. Cattle and bison that originate in a non-accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, may not enter Idaho except by special permit issued by the administrator and under the conditions specified by the administrator at the time the permit is issued. (5-3-03)

07. Rodeo Stock. All cattle imported into Idaho for rodeo or timed events must have been tested negative for bovine tuberculosis within twelve (12) months prior to importation into Idaho. ()

(BREAK IN CONTINUITY OF SECTIONS)

260. TRICHOMONIASIS.

The Certificate of Veterinary Inspection for bulls imported into Idaho shall contain a statement certifying that trichomoniasis is not known to exist in the herd of origin, and: (5-3-03)

01. Virgin Bulls Less Than Twenty-Four Months of Age. The virgin bull(s) are less than twenty-four (24) months of age and have not serviced a cow; or (5-3-03)

02. Tested Bulls. The bull(s) have been tested by culture or PCR for trichomoniasis within thirty (30) days of shipment, were negative to the test, and have not been exposed to female cattle since the test sample was collected. (~~3-30-07~~)()

03. Exceptions. Exceptions to certification and testing: (5-3-03)

a. Bulls consigned directly to slaughter at an approved slaughter establishment; or (5-3-03)

b. Bulls consigned directly to an approved feedlot; or (5-3-03)

c. Bulls consigned directly to a specifically approved livestock market; or (5-3-03)

d. Rodeo bulls imported by an Idaho based rodeo producer, or rodeo bulls imported to perform at specific rodeos in Idaho. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

500. DOGS AND CATS.

01. Dogs. All dogs imported into the state of Idaho shall be accompanied by an official certificate of veterinary inspection attesting that such dogs are apparently free from any infectious, contagious or communicable disease, and have been officially vaccinated for rabies in

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accordance with the current recommendations of the National Association of State Public Health Veterinarian's Compendium of Animal Rabies ~~Vaccines~~ Prevention and Control. Dogs three (3) months of age or older originating from a rabies quarantined area must have a permit from the Division of Animal Industries prior to importation. (5-3-03)()

02. Cats. All cats imported into the state of Idaho shall be accompanied by an official certificate of veterinary inspection attesting that such cats are apparently free from any infectious, contagious or communicable disease. Cats three (3) months of age or older shall have been vaccinated for rabies according to the recommendations of the current National Association of State Public Health Veterinarian's Compendium on Animal Rabies ~~Vaccines~~ Prevention and Control. (5-3-03)()

03. Permits Required. The Administrator may require any dog or cat, from an area that has been determined to pose a significant threat of disease, to have an import permit prior to movement into Idaho. (5-3-03)

501. -- 599. (RESERVED).

600. IMPORTATION OF DOMESTIC CERVIDAE.

Domestic cervidae may enter the state of Idaho, by permit, provided: (5-3-03)

01. Certificate of Veterinary Inspection. The cervidae are accompanied by a certificate of veterinary inspection certifying that they have been inspected within thirty (30) days prior to the date of shipment, that they are free from evidence of infectious, contagious, or communicable diseases, or known exposure thereto during the preceding sixty (60) days; and (5-3-03)

02. Parasiticide. Treated with a parasiticide, that is efficacious against giant liver flukes, by an accredited veterinarian no less than thirty (30) and no more than sixty (60) days prior to importation except domestic cervidae imported directly to an approved slaughter establishment for immediate slaughter do not have to be treated; and ()

023. Meet Testing Requirements. The cervidae shall meet the testing requirements of Section 601. (5-3-03)

601. TESTING REQUIREMENTS.

All cervidae imported into Idaho shall meet the following test requirements, except cervidae that do not originate from a CWD or Tuberculosis endemic area, as determined by the administrator, may be imported directly to an approved slaughter establishment for immediate slaughter, ~~or a domestic cervidae approved feedlot, to be fed for slaughter,~~ without meeting the test requirements. (5-3-03)()

01. Brucellosis. Animals six (6) months of age and older shall be negative to at least two (2) different official brucellosis tests, one (1) of which shall be the rivanol, or the CF, within thirty (30) days prior to entry, or the animals shall originate directly from a Brucellosis certified free herd or a brucellosis class free state for cervidae. (3-30-07)

02. Tuberculosis. Imported domestic cervidae shall be tested according to the

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provisions in Title 9, Part 77, CFR.

(5-3-03)

03. Red Deer Genetic Factor. Elk ~~shall must be have~~ either tested negative for red deer genetic factor by a laboratory approved by the Division of Animal Industries, or ~~the elk are shall have been~~ registered with NAEBA or the Canadian Food Inspection Agency. ~~(5-3-03)~~()

(BREAK IN CONTINUITY OF SECTIONS)

603. DESTINATION.

Imported domestic cervidae shall be delivered only to approved slaughter establishments, ~~domestic cervidae approved feedlots~~, or domestic cervidae ranches, which are in compliance with the domestic cervidae rules. ~~(5-3-03)~~()

(BREAK IN CONTINUITY OF SECTIONS)

608. -- 649. (RESERVED).

650. FISH.

No person shall import, transport, receive or otherwise bring into the State of Idaho any live fish or viable hatching eggs that are listed as Deleterious Exotic Animals in IDAPA 02.04.27 "Rules Governing Deleterious Exotic Animals." ()

651. -- 659. (RESERVED).

660. CERTIFICATE AND PERMIT.

In addition to any permits or certifications required by the Idaho Department of Fish and Game, all live fish and viable hatching eggs imported into Idaho must be accompanied by a certificate of veterinary inspection issued in the state of origin and an import permit issued by the Administrator. ()

661. ORIGIN OF FISH.

All shipments of live fish and viable hatching eggs imported into Idaho must be accompanied by an invoice or bill of lading that clearly describes the origin(s), species, inventory, lot number, and destination of all fish in the shipment. ()

662. -- 669. (RESERVED).

670. VHSV POSITIVE AREAS.

No fish or viable hatching eggs from any VHSV positive area shall be imported into Idaho unless the shipment has been ~~issued~~ authorized and is accompanied by a permit issued by the director of the Idaho Department of Fish and Game. ~~(9-1-07)~~()

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671. -- 699. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

710. DOMESTIC FUR-BEARING ANIMALS.

All domestic fur bearing animals which are transported or moved into the state of Idaho are required to have a certificate of veterinary inspection from the state of origin and an import permit from the Division of Animal Industries. (3-30-07)

01. Certificate and Permit. The certificate and permit shall accompany the shipment of the animals. (3-30-07)

02. Mink. All mink imported into the state of Idaho shall be tested negative for Aleutian Disease using the counterelectrophoresis (CEP) test, within thirty (30) days prior to import. Negative test results shall be recorded on the certificate of veterinary inspection. (3-30-07)

02. Mink. All mink imported into the state of Idaho shall be tested negative for Aleutian Disease using the counterelectrophoresis (CEP) test, within thirty (30) days prior to import. Negative test results shall be recorded on the certificate of veterinary inspection. (3-30-07)

03. Other Tests. The Administrator may approve tests other than CEP for Aleutian Disease testing. ()

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.28 - RULES GOVERNING LIVESTOCK DEALERS, BUYING STATIONS, AND LIVESTOCK TRADER LOTS

DOCKET NO. 02-0428-0701 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 25-207 and 25-601, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2007 Idaho Administrative Bulletin, Vol. 07-7, pages 25 through 35.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

DATED this 24th day of August, 2007.

Celia R. Gould
Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
Fax (208) 334-4062

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE

Livestock Dealers, Buying Stations & Livestock Trader Lots

Docket No. 02-0428-0701

PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **June 1, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 25-207, and 25-601, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

**Thursday, July 12, 2007
7:00 p.m. -- 9:00 p.m.
Nampa Civic Center
311 Third Street South
Nampa, ID 83651**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule establishes facility, recordkeeping, and movement requirements for livestock dealers, buying stations, and livestock trader lots.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Necessary to protect the public health, safety, or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted; however, this rule was developed with input from cattle producers and livestock dealers. These changes are required by USDA in order for Idaho to regain brucellosis class free status.

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE

Livestock Dealers, Buying Stations & Livestock Trader Lots

Docket No. 02-0428-0701

PENDING RULE

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2007.

DATED this 25th day of May, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 02 TITLE 04 CHAPTER 28

02.04.28 - RULES GOVERNING LIVESTOCK DEALERS, BUYING STATIONS, AND LIVESTOCK TRADER LOTS.

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 25, Chapters 2, 4, 6, and 35, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots.” ()

02. Scope. These rules shall govern the record keeping of livestock dealers and facilities, record keeping, animal identification, quarantine facilities and movement of cattle in approved buying stations and approved livestock trader lots. The official citation of this chapter is IDAPA 02.04.28.000 et. seq. For example, this Section’s citation is IDAPA 02.04.28.001. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. ()

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. ()

004. INCORPORATION BY REFERENCE.

No documents are incorporated by reference. ()

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DEPARTMENT OF AGRICULTURE**Docket No. 02-0428-0701****Livestock Dealers, Buying Stations & Livestock Trader Lots****PENDING RULE**

005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. ()

02. Office Hours. Office hours are 8 a.m. to 5 p.m. Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. ()

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701-0790. ()

04. Telephone Number. The telephone number for the Division of Animal Industries at the central office is (208) 332-8540. ()

05. Fax Number. The fax number for the Division of Animal Industries at the central office is (208) 334-4062. ()

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Central Office of the Idaho State Department of Agriculture. ()

007. -- 009. (RESERVED).**010. DEFINITIONS.**

The following definitions shall apply in the interpretation and enforcement of this chapter. ()

01. Accredited Veterinarian. A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. ()

02. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. ()

03. Approved Slaughter Establishment. A USDA inspected slaughter establishment where ante-mortem and post-mortem inspection is conducted by USDA inspectors. ()

04. Buying Station. A specific livestock facility where cattle are concentrated for delivery directly to an approved slaughter establishment within seven (7) days of arrival at the buying station. ()

05. Cattle. All domestic bovidae including domestic bison. ()

06. Department. The Idaho State Department of Agriculture. ()

07. Director. The director of the Idaho State Department of Agriculture, or his designee. ()

08. Division. Idaho State Department of Agriculture, Division of Animal Industries.

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- ()
09. **Domestic Bison.** All animals in the genus *Bison*, which are owned by a person. ()
10. **Domestic Cervidae.** Elk, fallow deer, and reindeer owned by a person. ()
11. **Epithelioma of the Eye.** A carcinoma of the eye of cattle commonly known as cancer eye. ()
12. **Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. ()
13. **Interstate Movement.** Movement of livestock from Idaho into any other state, territory or the District of Columbia, or from any other state, territory or the District of Columbia into Idaho. ()
14. **Livestock.** Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. ()
15. **Livestock Dealer.** A person licensed by the State Brand Board pursuant to Title 25, Chapter 33, Idaho Code. ()
16. **Livestock Trader Lot.** A specific livestock facility owned or operated by a person licensed by the State Brand Board pursuant to Title 25, Chapter 33, Idaho Code, where test eligible cattle of unknown disease status are received from the farm or ranch of origin and some test eligible cattle are sold to individuals and transported to destinations other than an approved slaughter establishment, a specifically approved livestock market, an Idaho approved feedlot, or out of the state of Idaho. ()
17. **Lump Jaw.** Condition also known as actinomycosis in cattle. ()
18. **Official Ear Tag.** APHIS approved identification ear tags conforming to the alphanumeric national uniform ear tagging system including official brucellosis vaccination ear tags, or NAIS compliant ear tags, which provide unique identification for each animal. ()
19. **Official Identification.** Official USDA approved ear tag, USDA Backtag, breed registration tattoo, or identification method approved by the Administrator. ()
20. **Official Brucellosis Vaccination Ear Tag.** An APHIS approved identification ear tag conforming to the alphanumeric national uniform ear tagging system, which provides unique identification for each animal. ()
21. **Operator.** The person who has authority to manage or direct a buying station or livestock trader lot. ()
22. **Owner.** The person who owns or has financial control of a buying station, livestock trader lot or cattle. ()

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23. **Parturient.** Visibly prepared to give birth or within two (2) weeks before giving birth. ()

24. **Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. ()

25. **Postparturient.** Having already given birth. ()

26. **Premises.** The ground, area, buildings, corrals, and equipment utilized to keep, hold, or maintain animals. ()

27. **Previous Location.** The premises where cattle were confined immediately prior to delivery to a buying station, livestock trader lot, or purchase by a livestock dealer. ()

28. **Restraint.** The confinement of cattle in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. ()

29. **State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. ()

30. **Test Eligible.** Unless otherwise specifically provided in these rules, all sexually intact cattle and domestic bison eighteen (18) months of age and over, and all parturient, and postparturient cattle and domestic bison regardless of age. ()

31. **USDA Backtag.** A backtag issued by APHIS that conforms to the eight-character alphanumeric National Backtagging System that provides unique identification for each animal. ()

011. ABBREVIATIONS.

01. **APHIS.** Animal and Plant Health Inspection Service. ()

02. **AVIC.** Area Veterinarian In Charge. ()

03. **CAFO.** Concentrated Animal Feeding Operation. ()

04. **CFR.** Code of Federal Regulations. ()

05. **NAIS.** National Animal Identification System. ()

06. **USDA.** United States Department of Agriculture. ()

07. **VS.** Veterinary Services. ()

012. -- 019. (RESERVED).

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020. APPLICABILITY.

These rules apply to livestock dealers, buying stations, and livestock trader lots operating in Idaho. ()

021. -- 029. (RESERVED).**030. INSPECTIONS.**

To prevent the introduction and dissemination, or to control and eradicate diseases, state and federal animal health officials are authorized to inspect livestock records, premises, facilities, and livestock to ensure compliance with the provisions of this chapter and other state or federal laws or rules applicable to livestock dealers, buying stations and livestock trader lots. ()

01. Entering Premises. In order to conduct activities authorized by this chapter, state or federal animal health officials are authorized to enter buying stations or livestock trader lots. State or federal officials will attempt to notify the owner or operator of the premises prior to conducting an inspection. ()

02. Inspecting Records. To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized to access, inspect, review, and copy any records deemed necessary during normal business hours. State or federal animal health officials will attempt to notify the owner or operator of the premises prior to inspecting records. ()

03. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of this section are not required. ()

031. -- 039. (RESERVED).**040. LIVESTOCK TREATMENT.**

Each livestock dealer, buying station and livestock trader lot shall humanely treat all livestock. All non-ambulatory livestock shall be: ()

01. Returned. Returned to premises of origin; or ()

02. Fed and Watered. Provided adequate feed and clean water; or ()

03. Euthanized. Humanely euthanized. ()

041. -- 049. (RESERVED).**050. DEAD ANIMAL DISPOSAL.**

The movement and disposal of all dead animals shall be pursuant to the provisions of IDAPA 02.04.17, "Rules Governing Dead Animal Movement and Disposal." ()

051. -- 059. (RESERVED).**060. ENVIRONMENTAL REQUIREMENTS.**

All buying stations and livestock trader lots shall meet the provisions of IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations." ()

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061. -- 099. (RESERVED).

100. LIVESTOCK DEALERS.

Livestock dealers that do not operate buying stations or livestock trader lots shall keep complete and accurate records such that cattle purchased may be traced to the previous location, previous owner and the subsequent owner. ()

101. -- 109. (RESERVED).

110. CONTENT OF RECORDS.

Livestock dealer records shall include, but are not limited to: ()

01. Name, Telephone Number, and Address. The name, telephone number, and address of the owner of the cattle prior to purchase by the livestock dealer. ()

02. Identification. All cattle shall be identified to their previous location with a form of identification approved by the Administrator. ()

03. Previous Location. The location where cattle were held prior to purchase by the livestock dealer shall be either the NAIS premises identification number or the physical address. ()

04. The Date of Purchase. The date individual cattle were purchased. ()

05. Date of Sale. Date individual cattle were sold or changed ownership. ()

06. Name, Telephone Number, and Address of the Purchaser of Cattle. The name, telephone number, and address of the person that purchased cattle from the livestock dealer. ()

07. Death Loss. An accurate account of all death loss, including identification, and disposition of the dead cattle. ()

111. -- 119. (RESERVED).

120. RECORDS RETENTION.

Livestock dealers shall retain all records relating to cattle for a period of not less than two (2) years. Records must be made available to the administrator upon request. ()

121. -- 129. (RESERVED).

130. APPROVED FORMS OF IDENTIFICATION.

The following are approved forms of identification. ()

01. USDA Approved Backtag. ()

02. Official USDA Ear Tag. ()

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03. Registration Tattoo. Breed registration tattoo and corresponding registration papers. ()

04. Brand Inspection. Statement of ownership such as a brand inspection certificate. ()

05. Administrator Approval. The Administrator may approve other forms of individual identification on a case-by-case basis. ()

06. Removal of Animal Identification. No approved or official animal identification shall be removed, tampered with or otherwise altered. ()

131. -- 199. (RESERVED).

200. APPROVED BUYING STATIONS.

No livestock dealer shall operate a buying station prior to receiving approval from the Administrator. All cattle entering the buying station shall be shipped to an approved slaughter establishment within seven (7) days of arrival at the buying station. ()

201. APPLICATION FOR DESIGNATION AS AN IDAHO APPROVED BUYING STATION.

Application for designation as an Idaho approved buying station shall be made on application forms available from the Administrator. ()

202. ADMINISTRATOR APPROVAL.

State or federal animal health officials shall inspect all buying stations prior to approval by the Administrator. The Administrator may take any past enforcement or violation history of the owner or operator of the buying station into consideration when making the final approval determination. ()

203. APPROVED BUYING STATION NUMBER.

The license number issued to the livestock dealer by the State Brand Board shall be used to identify the approved buying station. ()

204. EXPIRATION OF APPROVED STATUS.

Approved buying station status shall remain in effect unless the status is revoked by the Administrator or there is a change in ownership or operator. If there is a change in ownership or operator, it is the responsibility of the new buying station owner or operator to apply for reinstatement of approved status. ()

205. REVOCATION OF APPROVED BUYING STATION STATUS.

In addition to any other Department administrative or civil action, the Administrator may withdraw or deny the approval of any buying station, by notifying the owner in writing, when one (1) or more of the following conditions exist: ()

01. Recordkeeping Requirements. There is evidence that the owner or operator of the buying station violated the recordkeeping requirements of this rule, or animal health

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regulations. ()

02. Inability to Trace Animals. There is a repeated history of an inability to trace the affected, exposed or reactor cattle handled by the buying station to the previous location and owner. ()

03. Violations. A buying station violates any of the provisions of this chapter. ()

04. Owner Request. Owners may have the approved status revoked by emptying the buying station and requesting in writing that the status be revoked. ()

05. Regulation Changes. Idaho approved buying station status may be revoked as required by changes in state or federal rules or regulations. ()

206. DISPOSITION OF CATTLE.

When approved buying station status is revoked, cattle still in the buying station shall be removed directly to an approved slaughter establishment within seven (7) days. ()

207. -- 209. (RESERVED).

210. IDENTIFICATION.

All cattle shall be individually identified with an official USDA backtag immediately upon arrival at a buying station. Animal identification is to be maintained to slaughter and shall not be removed, tampered with or otherwise altered. ()

211. -- 219. (RESERVED).

220. BUYING STATION RECORDS.

Each buying station shall keep sufficient records of all livestock that enter, leave, or die on the premises to enable state or federal animal health officials to trace such animals satisfactorily to their previous location. ()

221. CONTENT OF RECORDS -- BUYING STATIONS.

Buying station records shall include, but are not limited to: ()

01. Name, Telephone Number, and Address. The name, telephone number, and address of: ()

a. The owner of the livestock entering the buying station; and ()

b. The person delivering the livestock to the buying station. ()

02. Individual Identification. Individual USDA Backtag number for each animal entering the buying station. ()

03. Previous Location. The location where cattle were held prior to purchase by the buying station shall be either the NAIS premises identification number or the physical address. ()

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- 04. The Date of Entry.** The date individual cattle enter a buying station. ()
- 05. Date of Shipment to Slaughter.** ()
- 06. Approved Slaughter Establishment Destination.** Name and address of the approved slaughter establishment. ()
- 07. Death Loss.** An accurate account of all death loss, including individual identification number and disposition of the dead cattle. ()
- 08. Dead Animals.** An accurate description, including any forms of identification, of any dead animals that are left at the buying station by other persons. ()
- 222. BUYING STATION RECORDS RETENTION.**
All records relating to cattle that have been in the buying station facility shall be retained for a period of not less than two (2) years. Records must be made available to the administrator upon request. ()
- 223. -- 229. (RESERVED).**
- 230. CATTLE SUBJECT TO QUARANTINE -- BUYING STATIONS.**
No cattle that have reacted to the brucellosis or tuberculosis test, or cattle affected with, or suspected of being affected with a foreign animal disease, shall be allowed to enter, occupy, or be sold from a buying station. ()
- 231. -- 239. (RESERVED).**
- 240. PREMISES REQUIREMENTS.**
An approved buying station shall meet the following requirements: ()
- 01. Restraint System.** A restraint system, approved by the Administrator, for humanely, efficiently and effectively restraining livestock for the purpose of inspecting, identifying or testing of animals by state or federal animal health officials. ()
- 02. Feed and Water.** All cattle that are on the premises for over twelve (12) hours shall have access to a clean source of water sufficient to provide for the number of animals present, and an adequate quality and quantity of feed. ()
- 03. Pens.** The premises shall be in compliance with IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and pens that contain cattle remaining on the premises for over twelve (12) hours shall provide adequate pen space for the cattle to rest and ruminate, and shall provide adequate drainage. ()
- 04. Fences.** All fences shall be constructed sufficient to prevent the escape of livestock from the premises, as determined by the Administrator. ()
- 05. Condition.** The premises shall be maintained in good repair. ()

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241. -- 249. (RESERVED).

250. SANITATION.

All buying stations shall be maintained in a sanitary condition. The buying station shall provide the necessary equipment to clean and disinfect the premises, and the owner or operator of the buying station shall clean and disinfect the premises at the direction of the Administrator. ()

251. -- 259. (RESERVED).

260. SIGNAGE.

Each buying station shall comply with the following signage requirements: ()

01. Wording. Signs shall state “ALL CATTLE ENTERING THIS FACILITY SHALL GO DIRECTLY TO SLAUGHTER.” ()

02. Color. Lettering shall be red and not less than four (4) inches in height on a white background. ()

03. Location. Signs shall be placed prominently at each entrance, exit and cattle loading or unloading facility. ()

261. -- 269. (RESERVED).

270. LOCATION OF BUYING STATIONS.

All buying stations shall be located separate and apart from any other cattle handling facilities, as determined by the Administrator, that handle any cattle not destined to slaughter within seven (7) days. ()

271. -- 499. (RESERVED).

500. APPROVED LIVESTOCK TRADER LOTS.

All livestock dealers licensed by the Idaho State Brand Board shall receive approval from the Administrator as an Idaho approved feedlot or approved livestock trader lot if the following conditions exist: ()

01. Cattle Are Received. Cattle of unknown disease status are received from the farm or ranch of origin. ()

02. Sold to Individuals. Brucellosis test eligible cattle are sold and transported to destinations other than an approved slaughter establishment, a specifically approved livestock market, an Idaho approved feedlot, or out of the state of Idaho. ()

501. APPLICATION FOR APPROVED LIVESTOCK TRADER LOT STATUS.

Application for approved livestock trader lot status shall be made on application forms available from the Administrator. ()

502. ADMINISTRATOR APPROVAL.

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The Administrator may approve livestock trader lot applications after state or federal animal health officials have inspected the trader lot facility and: ()

01. Adequate Facilities. The livestock dealer has demonstrated that cattle can be secured and restrained in the facility. ()

02. Adequate Records. The livestock dealer's records are adequate to show the origin and disposition of the cattle that enter the facility. ()

03. Past History. The Administrator may take any past enforcement or violation history of the owner or operator of the livestock trader lot into consideration when making the final approval determination. ()

503. APPROVED LIVESTOCK TRADER LOT NUMBER.

The license number issued by the State Brand Board to livestock dealers shall be used to identify the livestock trader lot. ()

504. EXPIRATION OF APPROVED STATUS.

Approved livestock trader lot status shall remain in effect unless there is a material change in operation, as determined by the Administrator, or the status is revoked by the Administrator. If there is a material change in operation, as determined by the Administrator, it is the responsibility of the livestock dealer to apply for reinstatement of approved status. ()

505. -- 519. (RESERVED).

520. IDENTIFICATION.

All cattle shall be identified, to their previous location, with a form of identification approved by the Administrator immediately upon arrival at a livestock trader lot. Animal identification is to be maintained and shall not be removed, tampered with, or otherwise altered at the livestock trader lot. ()

521. APPROVED FORMS OF IDENTIFICATION.

The following are approved forms of individual identification. ()

01. USDA Approved Backtag. All brucellosis test eligible cattle shipped to approved slaughter establishments must be individually identified with an approved USDA Backtag. ()

02. Official USDA Ear Tag. ()

03. Registration Tattoo. A breed registration tattoo accompanied by registration papers. ()

04. Brand Inspection. Statement of ownership such as a brand inspection certificate. ()

05. Administrator Approval. The Administrator may approve other forms of identification on a case-by-case basis. ()

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06. Removal of Individual Animal Identification. No approved animal identification shall be removed, tampered with or otherwise altered. ()

522. CONTENT OF RECORDS FOR APPROVED LIVESTOCK TRADER LOTS.

All approved livestock trader lots shall keep accurate and complete records of all cattle that enter, leave or die on the premises. These records shall readily show: ()

01. Name, Telephone Number, and Address. The name, telephone number, and address of: ()

a. The owner of the cattle prior to acquisition by the livestock dealer; and ()

b. The person delivering the cattle to the livestock trader lot. ()

02. Identification. Identification, approved by the Administrator, for the cattle entering the livestock trader lot. ()

03. Previous Location. The location where cattle were held prior to entering the livestock trader lot shall be either the NAIS premises identification number or the physical address of the premises. ()

04. The Date of Entry. The date the cattle enter a livestock trader lot. ()

05. Date of Shipment Out of the Livestock Trader Lot. ()

06. Name, Telephone Number, and Address of Shipment Destination. ()

07. Death Loss. An accurate account of all death loss, including identification and disposition of the dead cattle. ()

08. Dead Animals. An accurate description of any dead animals, including any forms of identification, which are left at the livestock trader lot by other persons. ()

09. Requirements. That all applicable state and federal permit, test, examination, identification and vaccination requirements have been met. ()

523. TRADER LOT RECORDS RETENTION.

Livestock trader lots shall retain their records for a period of not less than two (2) years following removal of the cattle from the premises. Records must be made available to the administrator upon request. ()

524 -- 529. (RESERVED).

530. CATTLE SUBJECT TO QUARANTINE -- TRADER LOTS.

No cattle that have reacted to the brucellosis or tuberculosis test, or animals affected with, or suspected of being affected with a foreign animal or reportable disease shall be allowed to enter, occupy, or be sold from a livestock trader lot. ()

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531. -- 539. (RESERVED).

540. REMOVAL REQUIREMENTS.

All brucellosis test eligible cattle that are removed from an approved livestock trader lot shall be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian prior to removal, except: ()

01. Livestock Markets. Cattle shipped directly to a specifically approved livestock market. ()

02. Slaughter. Cattle shipped directly to an approved slaughter establishment must be individually identified with an approved USDA Backtag. ()

03. Approved Feedlots. Cattle shipped directly to an Idaho approved feedlot. ()

541. LIVESTOCK DEALER'S DUTY.

It is the duty of a livestock dealer to ensure that all livestock removed from a livestock trader lot are in compliance with the animal health requirements of the state of Idaho and the point of destination. ()

542. -- 549. (RESERVED).

550. LIVESTOCK TRADER LOT PREMISES.

Approved livestock trader lots shall meet the following requirements: ()

01. Restraint System. A restraint system, approved by the Administrator, for humanely, efficiently and effectively restraining cattle for the purpose of inspecting, identifying, treating or testing of animals by state or federal animal health officials. ()

02. Feed and Water. All cattle that are on the premises for over twelve (12) hours shall have access to a clean source of water sufficient to provide for the number of cattle present, and an adequate quality and quantity of feed. ()

03. Pens. The premises shall be in compliance with IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations." Pens that contain cattle remaining on the premises for over twelve (12) hours shall be large enough for the cattle to rest and ruminate and shall be adequately drained. ()

04. Fences. All fences shall be constructed sufficiently to prevent the escape of cattle from the premises, as determined by the Administrator. ()

05. Condition. All premises shall be maintained in good repair. ()

551. -- 559. (RESERVED).

560. SANITATION.

All livestock trader lots shall be maintained in a sanitary manner. The livestock dealer shall

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provide the necessary equipment to clean and disinfect the premises, and the livestock dealer shall clean and disinfect the premises at the direction of the Administrator. ()

561. -- 569. (RESERVED).

570. REVOCATION OF APPROVED STATUS.

In addition to any other Department administrative or civil action, the Administrator may withdraw or deny the approval of any livestock trader lot by notifying the dealer in writing when one or more of the following conditions exist: ()

01. Recordkeeping Requirements. There is evidence that the livestock dealer violated the recordkeeping requirements of this rule or animal health regulations. ()

02. Inability to Trace Animals. There is a repeated history of inability to trace to the affected, exposed, or reactor cattle that enter the livestock trader lot to the previous location and owner. ()

03. Violations. A livestock dealer violates any of the provisions of this chapter. ()

04. Dealer Request. The livestock dealer may have the approved status revoked by emptying the livestock trader lot and requesting in writing that the status be revoked. ()

05. Regulation Changes. Approved trader lot status may be revoked as required by changes in state or federal rules or regulations. ()

571. -- 989. (RESERVED).

990. PENALTIES.

Any person who violates any of the provisions of this chapter may be subject to the criminal and civil penalties provided in Title 25, Chapters 2, 6, and 35, Idaho Code. ()

991. -- 998. (RESERVED).

999. MINOR VIOLATIONS.

Nothing in this chapter shall be construed as requiring the Administrator to report minor violations when the Administrator believes that the public interest will be best served by suitable warnings or other administrative action. ()

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IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.29 - RULES GOVERNING TRICHOMONIASIS

DOCKET NO. 02-0429-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is September 1, 2007. This pending rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 25-207, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The Trichomoniasis testing season begins on September 1st of each year. This rulemaking updates the Trichomoniasis rule and allows for the use of a paint brand to identify infected bulls rather than a hot iron brand.

The Department held a public hearing in Nampa, Idaho, on August 23, 2007. No public comments were received. In response to comments submitted by the Division of Animal Industries, this pending rule amends the following Sections: 010.18 and 010.19 - Definitions; 310.04 - Infected Bulls and Herds; and 400.05 Rodeo Bulls.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department of Agriculture amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin.

The original text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, page(s) 22 through 27.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: No fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact John Chatburn,

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**DEPARTMENT OF AGRICULTURE
Rules Governing Trichomoniasis**

**Docket No. 02-0429-0701
PENDING RULE**

Deputy Administrator at (208) 332-8540.

DATED this 28th day of September, 2007.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701-0790
(208) 332-8500 / Fax (208) 334-4062

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **September 1, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 25-207, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, August 23, 2007 -- 8:00 pm - 9:00 pm
Nampa Civic Center
311 Third Street South, Nampa, ID 83651

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule adds Polymerase Chain Reaction as an official test for Trichomoniasis, requires V branding of bulls infected with Trichomoniasis, approves retesting of bulls as a result of inconclusive Trichomoniasis test results and makes typographical and grammatical corrections.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE Rules Governing Trichomoniasis

Docket No. 02-0429-0701
PENDING RULE

The rule is necessary to protect the public health, safety, or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: No fiscal impact.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted; however, this rule was developed with input from an advisory committee comprised of cattle producers and veterinarians.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 23, 2007.

DATED this 28th day of June 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

01. Incorporated Document. IDAPA 02.04.29 incorporates by reference the Official Idaho Protocol for Culture of Trichomoniasis, 2006~~7~~. (~~3-30-07~~)()

02. Availability of Document. Copies of this document may be obtained from the Idaho State Department of Agriculture. (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

As used in these rules the following terms have the following meanings: (3-30-07)

01. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (3-30-07)

02. Cattle. All bovidae. (3-30-07)

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- 03. Department.** The Idaho State Department of Agriculture. (3-30-07)
- 04. Division of Animal Industries.** Idaho State Department of Agriculture, Division of Animal Industries. (3-30-07)
- 05. Exposed Cattle.** Any cattle that have been in contact with cattle infected with, or affected by Trichomoniasis. (3-30-07)
- 06. Federal Animal Health Official.** An employee of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (3-30-07)
- 07. Herd.** A herd is any group of cattle maintained on common ground for any purpose, or two (2) or more groups of cattle under common ownership or supervision, geographically separated, but which have an interchange or movement of cattle without regard to whether they are infected with or exposed to Trichomoniasis. (3-30-07)
- 08. Hold Order.** A hold order is a form of quarantine that may be used to restrict the movement of cattle while the Trichomoniasis status is being investigated. (3-30-07)
- 09. Infected Cattle.** Any cattle determined by an official test or diagnostic procedure to be infected with Trichomoniasis or diagnosed by a veterinarian as infected. (3-30-07)
- 10. Infected Herd.** Any herd in which any cattle have been determined by an official test or diagnostic procedure to be infected with Trichomoniasis or diagnosed by a veterinarian as being infected. (3-30-07)
- 11. Negative.** Cattle that have been tested with official test procedures and found to be free from infection with Trichomoniasis. (3-30-07)
- 12. Positive.** Cattle that have been tested with official test procedures and found to be infected with Trichomoniasis. (3-30-07)
- 13. Quarantine.** A written order, or a verbal order followed by a written order, executed by the Administrator, to confine or hold cattle on a premises or any other location, and to prevent movement of cattle from a premises or any other location when the Administrator has determined that the cattle have been found or are suspected to be exposed to or infected with Trichomoniasis, or the owner is not in compliance with the provisions of this chapter. (3-30-07)
- 14. Quarantined.** Isolation of all cattle diseased or exposed thereto, from contact with healthy cattle and exclusion of such healthy cattle from enclosures or grounds where said diseased or exposed cattle are, or have been kept. (3-30-07)
- 15. Registered Veterinarians.** Veterinarians registered with, and approved by the Division of Animal Industries to collect Trichomoniasis samples for official Trichomoniasis culture testing. (3-30-07)

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16. Restrain. The confinement of cattle in a chute, or other device, for the purpose of efficient, effective, and safe testing approved by the Administrator. (3-30-07)

17. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities. (3-30-07)

18. T Brand. A two inch by three inch (2" x 3") single-character T paint brand, applied with orange paint to the left of the tail-head of a bull, signifying that the bull is infected with trichomoniasis. ()

189. Trichomoniasis. A venereal disease caused by the organism *Tritrichomonas foetus*. ()

19. V Brand. ~~A two by three inch (2" x 3") hot iron, single-character V brand applied to the left of the tail head of a bull, signifying that the bull is infected with trichomoniasis.~~ (9-1-07)T

(BREAK IN CONTINUITY OF SECTIONS)

200. BULLS FOR SALE.

Bulls presented for sale at specifically approved livestock markets, shows, special sales, or by private contract in Idaho shall be accompanied by a certificate of negative test and a statement signed by the owner certifying "Trichomoniasis has not been diagnosed in the herd of origin;" or (3-30-07)

01. Returned to Home Premises. Such bulls shall be returned to home premises for official testing; or (3-30-07)()

02. Sold Directly to Slaughter. Such bulls shall be sold directly to slaughter at an approved slaughter establishment, an Idaho approved feedlot, as defined in IDAPA 02.04.20, "Rules Governing Brucellosis," or a rodeo producer without test; or (3-30-07)

03. Placed Under a Hold Order. Such bulls shall be placed under Hold Order by the livestock market veterinarian or a private veterinarian and shall have three (3) consecutive negative Trichomoniasis culture tests. The samples for each test shall be collected at least seven (7) days apart and cultured for Trichomoniasis to be eligible to receive a certificate of negative test; or (3-30-07)

04. Virgin Bulls. Virgin bulls, twenty-four (24) months of age or less, which have never serviced a cow shall be identified with an official Trichomoniasis bangle tag of the correct color for the current testing season. (3-30-07)

05. Period of Validity. For resident breeding bulls sold in Idaho, the negative test shall be valid for up to ninety (90) days provided the bull(s) has had no contact with female cattle from the time of test to the time of sale. (3-30-07)

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06. Contact with Female Cattle. Bulls that have had contact with female cattle subsequent to testing must be retested prior to sale. (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

210. IMPORTED BULLS.

01. Non-Virgin Bulls. Non-virgin breeding bulls may be imported into the state of Idaho provided they meet the following requirements: (3-30-07)

a. If the bull originates from a herd of bulls wherein all bulls have tested negative for Trichomoniasis since being removed from cows, the bull shall have been tested negative to a Trichomoniasis culture test within thirty (30) days prior to import and shall have had no contact with female cattle from the time of test to the time of import; or (3-30-07)

b. If the bull originates from a herd where one (1) or more bulls or cows have been found infected with Trichomoniasis, the bull shall have three (3) consecutive negative Trichomoniasis culture tests. The samples for each test shall be collected at least seven (7) days apart and cultured for Trichomoniasis, the last test being within thirty (30) days prior to import into Idaho; or (3-30-07)

c. If the bull is a single bull with no prior herd test history or originates from a herd of bulls that is still with cows or that has not been tested for Trichomoniasis since being removed from cows, the bull shall have three (3) consecutive negative Trichomoniasis culture tests. The samples for each test shall be collected at least seven (7) days apart and cultured for Trichomoniasis, the last test being within thirty (30) days prior to import into Idaho. (3-30-07)

d. Upon arrival at their destination in Idaho, all imported bulls shall be identified with an official Trichomoniasis bangle tag of the correct color for the current testing season, except imported dairy bulls that will be in a dry lot operation are not required to be identified with an official Trichomoniasis tag upon arrival at their destination. (3-30-07)

02. Virgin Bulls. Bulls twenty-four (24) months of age or less that have never serviced a cow are not required to be Trichomoniasis tested prior to import into Idaho, provided that: (3-30-07)

a. Such bulls shall be accompanied by a certificate signed by the owner or the owner's representative attesting that the animals are virgin bulls and have never serviced a cow; and (3-30-07)

b. Upon arrival at their destination in Idaho, such bulls shall be identified by an Idaho accredited veterinarian with an official Trichomoniasis bangle tag of the correct color for the current testing season. (3-30-07)

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03. Bulls for Grazing. Bulls that are entering Idaho for grazing purposes shall meet the Trichomoniasis test requirements of Section ~~02.04.29.220~~100 of this rule. A copy of the certificate of negative Trichomoniasis test shall accompany the grazing permit application.

(~~3-30-07~~)()

211. -- 299. (RESERVED).

300. PUBLIC GRAZING.

All bulls that are turned out on public grazing allotments shall be certified and identified as virgin bulls, or tested negative for Trichomoniasis at least forty-five (45) days prior to the turnout date, or before ~~March 31~~ April 15 of each testing season, which ever occurs first.

(~~3-30-07~~)()

01. Grazing Associations. All bulls that are in a public grazing association or run in common on an allotment shall be considered part of one (1) herd.

(3-30-07)

02. Positive Tests. If any bull owned by any of the producers in a grazing association or allotment tests positive on a Trichomoniasis test, the rest of the producers in the association or allotment shall be considered part of an infected bull herd and handled in accordance with Section ~~225~~310 of this rule.

(~~3-30-07~~)()

301. -- 309. (RESERVED).

310. INFECTED BULLS AND HERDS.

Any bull or cow that is positive to a Trichomoniasis culture test shall be considered infected. A herd in which one (1) or more bulls or cows are found infected with Trichomoniasis shall be considered infected.

(3-30-07)

01. Quarantine of Infected Herds. Any veterinarian that discovers an infected herd shall immediately place the herd under a Hold Order, and notify the Division of Animal Industries within forty-eight (48) hours that the test was positive. Upon notification of an infected Trichomoniasis herd, a state or federal animal health official shall conduct an epidemiological investigation of the infected herd and issue a quarantine. The quarantine may include a provision requiring all breeding age female cattle in the infected herd to be held in isolation from all bulls for a period of up to one hundred twenty (120) days as determined by the Administrator.

(3-30-07)

02. Exposed Herds. Herds identified as exposed through an epidemiological investigation shall be placed under a Hold Order.

(3-30-07)

a. Bulls in exposed herds shall be tested as determined by the Trichomoniasis epidemiologist.

(3-30-07)

b. All bulls tested in exposed herds and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official Trichomoniasis bangle tag of the correct color for the current testing season and the tag number and status of the bull shall be recorded on an official Trichomoniasis test and report form.

(3-30-07)

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03. Testing of Infected Herds. Bulls in infected herds shall be tested negative for Trichomoniasis three (3) consecutive times before the quarantine can be released. Each of the tests shall be at least seven (7) days apart. The samples for each test shall be collected at least seven (7) days apart and cultured for Trichomoniasis to be eligible to receive a certificate of negative test. (3-30-07)

a. All bulls tested in the infected herd and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official Trichomoniasis bangle tag of the correct color for the current testing season and the tag number and status of the bull shall be recorded on an official Trichomoniasis test and report form. (3-30-07)

b. Bulls that have three (3) consecutive negative Trichomoniasis culture tests conducted at least seven (7) days apart shall be considered negative to Trichomoniasis and can be so certified. (3-30-07)

04. Identifying Infected Bulls. All bulls testing positive for trichomoniasis shall, within seven (7) days of diagnosis, be identified with a ~~V-hot-iron~~ T brand applied to the left of the tail-head indicating that the bull is positive for trichomoniasis. (9-1-07)T()

311. -- 319. (RESERVED).

320. MOVEMENT OF INFECTED ~~ANIMALS~~ CATTLE.

All infected ~~bulls and cows~~ cattle shall be consigned to slaughter at an approved slaughter establishment or consigned to a specifically approved livestock market for sale to an approved slaughter establishment and shall remain under quarantine until moved to slaughter. All infected ~~bulls and cows~~ cattle being moved from the premise of origin to a specifically approved livestock market for sale to slaughter, or directly to an approved slaughter establishment for slaughter, shall move on a VS 1-27 form issued by an accredited veterinarian or a state or federal animal health official. (3-30-07)()

01. Slaughter Within Thirty Days. All infected ~~bulls and cows~~ cattle shall be moved to slaughter within thirty (30) days of the issuance of the quarantine. All infected ~~bulls and cows~~ cattle shall be kept separate and apart from cattle or domestic bison of the opposite sex. The infected ~~bulls and cows~~ cattle will remain under quarantine until moved to slaughter. (3-30-07)()

02. Exceptions. The Division of Animal Industries may grant an extension of time after the owner submits a written request for extension of time for movement to slaughter to the Division of Animal Industries. (3-30-07)

03. Contents of Request for Extension of Time. The written request shall outline the reasons for the extension request and the length of extended time being requested. The total length of time an individual infected bull may remain under quarantine before being required to move to slaughter, including any and all requested extensions, shall not exceed ninety (90) days. (3-30-07)

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(BREAK IN CONTINUITY OF SECTIONS)

330. OFFICIAL LABORATORIES.

Only laboratories approved by the Division of Animal Industries as official laboratories shall test official Trichomoniasis samples. (3-30-07)

01. Protocols. Official laboratories shall operate in accordance with the "Official Idaho Protocol for Culture of Trichomoniasis," 2006~~7~~. ~~(3-30-07)~~()

02. Check Test. Official laboratories shall pass an annual check test administered by the Division of Animal Industries. (3-30-07)

331. OFFICIAL TRICHOMONIASIS TESTS.

01. Official Culture Tests. An official test is one in which the sample is received in the official laboratory, in good condition, within forty-eight (48) hours of collection and such sample is tested according to the "Official Idaho Protocol for Culture of Trichomoniasis." Samples in transit for more than forty-eight (48) hours will not be accepted for official testing and shall be discarded. Samples, which have been frozen or exposed to high temperatures, shall also be discarded. (3-30-07)

02. Polymerase Chain Reaction. Polymerase Chain Reaction is accepted as an official test when completed by a qualified laboratory, approved by the Administrator, and the sample is received by the laboratory within forty-eight (48) hours of collection. ()

023. Other Official Tests. Other tests for Trichomoniasis may be approved by the Division of Animal Industries, as official tests, after the tests have been proven effective by research, have been evaluated sufficiently to determine efficacy, and a protocol for use of the test has been established. (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

400. RODEO BULLS.

Bulls currently in a rodeo string, bulls purchased under the feedlot exemption at a specifically approved livestock market, bulls purchased by private treaty, and bulls purchased in other states and imported into Idaho for rodeo purposes are exempt from Trichomoniasis testing under the following conditions: (3-30-07)

01. Division Approval. The owner of the rodeo bulls has completed and submitted an application to the Division of Animal Industries, which the Division has approved; and (3-30-07)

02. Not Mixed with Cows. The rodeo bulls are confined to a dry lot and not mixed with cows or used for breeding purposes; and (3-30-07)

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03. Permanently Identified. All bulls in the rodeo string are permanently identified with official ear tags or unique numbers hot iron branded on the animal; and (3-30-07)

04. Records Maintained. The identification numbers are maintained in a permanent record file at the owner's premises and a copy of the record will be provided to the Division of Animal Industries upon request; and (3-30-07)

05. Bulls Purchased. Bulls purchased for addition to the rodeo string shall meet all other health requirements. Purchased bulls shall be immediately identified as specified in Subsection ~~02.04.29.232.03~~ 400.03 of this rule. Official back tag and ear tag numbers on the bull at time of purchase shall be correlated to the permanent identification in the permanent record; and ~~(3-30-07)~~(9-1-07)T

06. Bulls Removed for Slaughter. Removal of bulls to slaughter is documented in the permanent record file; and (3-30-07)

07. Bulls Removed for Breeding Purposes. Bulls that are removed from the rodeo string for breeding purposes shall undergo three (3) consecutive negative cultures for Trichomoniasis. The samples for each test shall be collected at least seven (7) days apart and cultured for Trichomoniasis to be eligible to receive a certificate of negative test. (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

500. INFECTIONS WITH OTHER TYPES OF TRICHOMONADS.

Bulls that have had a positive culture result for Trichomoniasis testing may be further evaluated to determine if the organism is *Tritrichomonas foetus* or another species of Trichomonad. Bulls having positive Trichomoniasis culture results on the initial test will not be considered positive for Trichomoniasis under the provisions of this rule if they meet the following criteria: (3-30-07)

01. Trichomonad Organisms Identified. The culture media containing the organisms that have been collected from the bull is forwarded to a laboratory, approved by the Administrator, that has the ability to identify ~~the different species of~~ Trichomonad organisms ~~and the laboratory is able to identify and report the species of Trichomonad organisms present in the culture~~ through Polymerase Chain Reaction; and ~~(3-30-07)~~()

02. Tritrichomonas foetus Not Present. None of the Trichomonad organisms in the submitted culture are identified as *Tritrichomonas foetus*. (3-30-07)

03. Inconclusive Test Results. The Administrator may approve retesting of bulls with inconclusive Trichomoniasis test results. If the bulls are found to be Trichomoniasis negative on three (3) consecutive tests that are separated by at least seven (7) days, the bulls may be considered Trichomoniasis negative and released from quarantine. ()

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.30 - RULES GOVERNING NUTRIENT MANAGEMENT

DOCKET NO. 02-0430-0701 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 22-4903 and 37-401, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 25 through 30.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

DATED this 7th day of November, 2007.

Brian J. Oakey
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701-0790
(208) 332-8500, Fax (208) 334-4062

***THE FOLLOWING NOTICE PUBLISHED WITH THE
TEMPORARY AND PROPOSED RULE***

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules Governing Nutrient Management

Docket No. 02-0430-0701
PENDING RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 1, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 25-207, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Monday, October 15, 2007
8:00 - 9:00 pm
Nampa Civic Center
311 Third Street South
Nampa, ID 83651

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This is a new rule chapter that establishes the following:

- 1. Certification of soil samplers for nutrient management purposes on cattle operations;**
- 2. Criteria for soil sample collection; and**
- 3. Penalty provisions.**

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

It is necessary to protect the public health, safety, or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted; however, these rules were developed with input from beef cattle producers and dairy producers.

AGRICULTURAL AFFAIRS COMMITTEE

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PENDING RULE

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 21st day of August 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 02 TITLE 04 CHAPTER 30

02.04.30 - RULES GOVERNING NUTRIENT MANAGEMENT

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 37, Chapter 4, and Title 22, Chapters 1 and 49, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing Nutrient Management.” ()

02. Scope. These rules shall govern the certification process for soil samplers and nutrient management planners, and the process for collecting and handling soil samples. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. ()

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. ()

004. INCORPORATION BY REFERENCE.

The August 1997 University of Idaho, Soil Sampling Bulletin 704 (revised), is hereby incorporated by reference. ()

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE Rules Governing Nutrient Management

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PENDING RULE**

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS -- TELEPHONE -- AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. ()

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. ()

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. ()

04. Telephone Number. The telephone number of the Division of Animal Industries at the central office is (208) 332-8540. ()

05. Fax Number. The fax number of the Division of Animal Industries at the central office is (208) 334-4062. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture central office. ()

007. -- 009. (RESERVED).

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter: ()

01. Certified Soil Sampler. A person who has completed a Department approved soil sampler certification program and has received written certification from the Department. ()

02. Department. The Idaho State Department of Agriculture. ()

03. Director. The Director of the Idaho State Department of Agriculture. ()

04. Nutrient Management Plan. A plan prepared in conformance with the Nutrient Management Standard for managing the amount, source, placement, form, and timing of the land application of nutrients and soil amendments for plant production. ()

05. Nutrient Management Standard. The 1999 publication by the United States Department of Agriculture Natural Resource Conservation Service Conservation Practice Standard, Nutrient Management Code 590 or other standard approved by the Department. ()

06. Person. Any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not. ()

07. Representative Soil Sample. A representative soil sample is a soil sample obtained as outlined by the August 1997 University of Idaho Soil Sampling Bulletin 704 (revised) or other equivalent method as approved by the Department. ()

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DEPARTMENT OF AGRICULTURE Rules Governing Nutrient Management

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PENDING RULE**

08. Resource Concerns. Surface water runoff that leaves the operation from normal storm events, rain or snow, frozen ground or irrigation; and ground water concerns on the operation from a high water table, fractured bedrock, cobbles, gravel, coarse textured soils or other environmental considerations such as tile drains or shallow soils that are conducive for the downward movement of water and associated nutrients. ()

011. ABBREVIATIONS.

- 01. CNMP.** Certified Nutrient Management Planner. ()
- 02. CSS.** Certified Soil Sampler. ()
- 03. NMP.** Nutrient Management Plan. ()
- 04. NMS.** Nutrient Management Standard. ()
- 05. NRCS.** United States Department of Agriculture, Natural Resources Conservation Service. ()
- 06. SSB.** August 1997 University of Idaho Soil Sampling Bulletin 704 (revised). ()
- 07. USDA.** United States Department of Agriculture. ()

012. -- 019. (RESERVED).

020. APPLICABILITY.

These rules apply to nutrient management on the following cattle operations: ()

- 01. Dairies.** All dairies located in Idaho licensed to sell milk for human consumption. ()
- 02. Beef Cattle Animal Feeding Operations.** All beef cattle animal feeding operations in Idaho required to implement a NMP pursuant to IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations." ()

021. -- 099. (RESERVED).

100. NUTRIENT MANAGEMENT PLANS.

All NMPs required by IDAPA 02.04.14, "Rules of the Department of Agriculture Governing Dairy Waste," and IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," must be written by nutrient management planners who have been certified by the Department. ()

101. -- 149. (RESERVED).

150. NUTRIENT MANAGEMENT PLANNER CERTIFICATION.

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DEPARTMENT OF AGRICULTURE Rules Governing Nutrient Management

Docket No. 02-0430-0701
PENDING RULE

All persons who develop NMPs must be certified through the Department Certification Program. ()

01. Certification. The Nutrient Management Planner Certification will be valid unless revoked by the Department. ()

02. Development. Nothing shall prohibit any person from developing an NMP for his own operation provided the person possesses a valid Nutrient Management Planner Certification issued by the Department. ()

03. Continuing Education. The Department may require a CNMP to complete periodic continuing education training to retain certification. ()

151. -- 189. (RESERVED).

190. REVOCATION OF NUTRIENT MANAGEMENT PLANNER CERTIFICATION.
Nutrient Management Planner Certification may be revoked by the Department if the CNMP: ()

01. Submits Inaccurate Information. Submits NMPs that contain falsified or materially inaccurate information. ()

02. Fails to Submit Plans. Fails to submit an NMP to the ISDA within thirty (30) days after being paid by a producer. ()

03. Fails to Follow Provisions. Fails to meet any requirement of this rule. ()

191. -- 199. (RESERVED).

200. SOIL SAMPLES.

The owners or operators of all dairies and beef cattle operations required to implement nutrient management plans pursuant to IDAPA 02.04.14, "Rules of the Department of Agriculture Governing Dairy Waste," and IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," must have soil samples collected each year from all fields owned or operated by the dairy or beef operation to which livestock waste, manure, or process wastewater from the operation was land applied. ()

201. -- 219. (RESERVED).

220. SOIL SAMPLE COLLECTION.

01. CSS. All soil samples required to be collected pursuant to this chapter must be collected by a CSS. ()

02. Representative Samples. All soil samples collected by a CSS must be representative samples pursuant to the provisions of the SSB. ()

03. Sampling Depth. The soil samples shall be obtained from depths outlined in each

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operation's NMP unless soil survey data or site specific situations warrant alternative sampling depths. ()

04. Alternative Sampling Depths. If the CSS determines that an alternative sampling depth is necessary due to resource concerns, the CSS must indicate such deviation in sampling depths on soil samples and laboratory soil sample submission forms. ()

221. -- 229. (RESERVED).

230. SOIL SAMPLE SUBMISSION.

All soil samples collected pursuant to this chapter must be appropriately handled to protect the integrity of the sample and must be submitted to an approved laboratory by the CSS who collected the soil sample. ()

231. -- 299. (RESERVED).

300. APPROVED LABORATORIES.

Only laboratories that hold a current valid certification from the North American Laboratory Proficiency Testing Program are approved laboratories for the purposes of this chapter. ()

301. -- 399. (RESERVED).

400. RECORDS OF NUTRIENT ANALYSIS.

Owners or operators of facilities who are required to implement NMPs pursuant to IDAPA 02.04.14, "Rules of the Department of Agriculture Governing Dairy Waste," and IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," must retain records of nutrient analysis for a minimum of five (5) years. ()

01. Complete Records. Records must be complete, readily available, and identified to the fields listed in the facility's NMP. ()

02. Available to the Director. Records must be made available to the director for inspection and copying upon request. ()

401. -- 499. (RESERVED).

500. SOIL SAMPLER CERTIFICATION.

All persons who collect soil samples from operations that are required to sample and test soil for nutrients pursuant to this chapter must be certified through the Department Certification Program. ()

01. Certification. The Soil Sampler Certification will be valid unless revoked by the Department. ()

02. Sampling. Nothing shall prohibit any person from sampling their own operation as outlined in these rules provided the person possesses a valid Soil Sampler Certification issued by the Department. ()

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Rules Governing Nutrient Management**Docket No. 02-0430-0701**
PENDING RULE

03. Continuing Education. The Department may require CSS to complete continuing education training to ensure compliance within the provisions of this chapter. ()

501. -- 899. (RESERVED).

900. REVOCATION OF SOIL SAMPLER CERTIFICATION.

Soil Sampler Certification is subject to revocation by the Department if the Certified Soil Sampler fails to meet the soil sampling criteria set forth in these rules. ()

901. -- 989. (RESERVED).

990. PENALTIES.

Any person violating any of the provisions of this Chapter may be subject to the penalty provisions of Title 22, Chapter 1 and 49 and Title 37, Chapter 4, Idaho Code. ()

01. Monetary Penalties. The imposition or computation of monetary penalties shall take into account the seriousness of the violation, good faith efforts to comply with the law, the economic impact of the penalty on the violator and such other matters as justice requires. ()

02. Minor Violations. The Director may issue suitable warnings or other administrative actions for minor violations. ()

991. -- 999. (RESERVED).

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.01 - RULES GOVERNING THE PURE SEED LAW

DOCKET NO. 02-0601-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This pending rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-418, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.:

There are no changes being made to the original proposed rule text. The proposed rule adds a definition for the term "conditioning."

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, page 28.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no anticipated fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rick Killebrew, Section Manager or Choice Rawson, Technical Records Specialist at (208) 332-8620.

DATED this 20th day of September, 2007.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8503
Fax: (208) 334-2170

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules Governing the Pure Seed Law

Docket No. 02-0601-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-418.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 15, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

To add a definition for the term “condition.”

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Rick Killebrew, Section Manager or Choice Rawson, Technical Records Specialist at (208) 332-8620.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2007.

DATED this 22nd day of June, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

010. DEFINITIONS.

~~The Department adopts~~ In addition to the definitions set forth in ~~Title 22, Chapter 4, Idaho Code,~~ Section 22-414, Idaho Code, the Department adopts the following definition: “Condition” means drying, cleaning, scarifying and other operations which could change the purity or germination of the seed and require the seed lot to be retested to determine the label information. ~~(3-30-06)()~~

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

DOCKET NO. 02-0602-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-2724, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes being made to the original proposed rule text. The proposed rule updates the incorporation by reference section to reflect the 2008 edition of the Official Publication of the Association of American Feed Control Officials (AAFCO), published in January or February each year. This is a standard reference manual for feed control officials for the registration of animal feeds.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2007 Idaho Administrative Bulletin, Vol. 07-7, pages 36 and 37.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no anticipated fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Bureau Chief or Ann Brueck, Program Specialist at (208) 332-8620.

DATED this 20th day of September, 2007.

Brian J. Oakey
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
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Phone: (208) 332-8503 / Fax: (208) 334-2170

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules Pertaining to the Idaho Commercial Feed Law

Docket No. 02-0602-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 25-2724, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This change will update the incorporation by reference section to reflect the 2008 edition of the Official Publication of the Association of American Feed Control Officials (AAFCO), published in January or February each year. This is a standard reference manual for feed control officials for the registration of animal feeds.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact with the adoption of this rule change. This is a dedicated fund program.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael E. Cooper, Bureau Chief or Ann Brueck, Program Specialist at (208) 332-8620.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2007.

DATED this 24th day of May, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules Pertaining to the Idaho Commercial Feed Law

Docket No. 02-0602-0701
PENDING RULE

004. INCORPORATION BY REFERENCE.

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.02 incorporates by reference: (3-30-07)

01. The Association of American Feed Control Officials (AAFCO) Official Publication. The Terms, Ingredient Definitions and Policies as published in the “2007~~8~~ Official Publication” of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. (~~3-30-07~~)(____)

02. The Merck Index. The “2006 Merck Index,” 14th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. (3-30-07)

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.12 - RULES PERTAINING TO THE IDAHO FERTILIZER LAW

DOCKET NO. 02-0612-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-604, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes being made to the original proposed rule text. The proposed rule makes the rule consistent with the Official Publication of the Association of American Plant Food Control Officials, corrects an incorrect citation and allows the name and address of the manufacturer or guarantor to appear on the fertilizer label.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 39 through 42.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no anticipated fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rick Killebrew, Section Manager or Michael E. Cooper, Bureau Chief at (208) 332-8620.

DATED this 27th day of September, 2007.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701
Phone: (208) 332-8503 / Fax: (208) 334-2170

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules Pertaining to the Idaho Fertilizer Law

Docket No. 02-0612-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-604, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This change is to be consistent with the Official Publication of the Association of American Plant Food Control Officials, to correct an incorrect citation and to allow the name and address of the manufacturer or guarantor to appear on the fertilizer label.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simplicity of the changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Rick Killebrew, Section Manager or Michael E. Cooper, Bureau Chief at (208) 332-8620.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2007.

DATED this 18th day of July, 2007.

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Rules Pertaining to the Idaho Fertilizer Law

Docket No. 02-0612-0701
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.12 incorporates by reference: (3-30-01)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies, as published in the “20078 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder; or ~~(3-30-07)~~(____)

02. The Merck Index. The “20076 Merck Index,” 134th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. ~~(4-6-05)~~(____)

(BREAK IN CONTINUITY OF SECTIONS)

011. RULES REGARDING THE REGISTRATION OF FERTILIZERS CONTAINING PLANT NUTRIENTS IN ADDITION TO NITROGEN, PHOSPHATE, AND POTASH.

01. Other Plant Nutrients. A fertilizer may contain plant nutrients in addition to nitrogen, phosphate and potash. When these other nutrients are mentioned on the label in any form or manner, the fertilizer shall be registered. In addition, each nutrient amount shall be guaranteed. The guarantee shall be reported, on the label, on an elemental basis. Sources of the nutrients subjected to the guaranteed analysis, and proof of availability shall be provided to the department upon request. Any additional nutrients, contained in a fertilizer submitted for registration, must be present in the following minimum concentrations:

Element	Percent
Calcium (Ca)	1.0000
Magnesium (Mg)	0.5000
Sulfur (S)	1.0000
Boron (B)	0.0200
Chlorine (Cl)	0.1000
Cobalt (Co)	0.0005
Copper (Cu)	0.0500
Iron (Fe)	0.1000

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DEPARTMENT OF AGRICULTURE Rules Pertaining to the Idaho Fertilizer Law

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PENDING RULE

Element	Percent
Manganese (Mn)	0.0500
Molybdenum (Mo)	0.0005
Nickel (Ni)	0.0010
Sodium (Na)	0.1000
Zinc (Zn)	0.0500

~~(3-30-01)~~()

02. Labeling. The label shall constitute a guarantee regarding the nutrient content of the fertilizer. No nutrients, other than those listed in Subsection 011.01, will be accepted by the department as guaranteed. Proposed labels and directions for the use of the fertilizer shall be furnished with the application for registration upon request. Any of the above listed elements which are guaranteed shall appear in the order listed immediately following guarantees for the primary nutrients of nitrogen, phosphate and potash. (3-30-01)

03. Exemptions. Guarantees for water soluble nutrients labeled for ready-to-use foliar fertilizers, ready-to-use specialty liquid fertilizers, hydroponic or continuous liquid feed programs, and potting soils, are exempted from the minimum element percentages listed in Subsection 011.01. (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

030. FERTILIZER LABELS.

The following information, in the format presented, is the minimum required for all fertilizer labels. For packaged products, this information shall either appear on the package, or be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this same information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery. (3-30-01)

01. Net weight. (3-30-01)

02. Brand. (3-30-01)

03. Grade. Grade (provided that the grade shall not be required when no primary nutrients are claimed). (3-30-01)

04. Guaranteed Analysis. A fertilizer label must contain the results of the guaranteed analysis. Zero (0) guarantees should not be made and shall not appear in any statement except in nutrient guarantee itemizations. If chemical forms of nitrogen are claimed or required, said form shall be set forth on the label. Nutrients other than nitrogen, phosphate and potash shall be set forth, on an elemental basis, as required by Subsection 0101.01. The results of the guaranteed analysis required by this rule shall be in the following form:

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DEPARTMENT OF AGRICULTURE
Rules Pertaining to the Idaho Fertilizer Law

Docket No. 02-0612-0701
PENDING RULE

Total Nitrogen	(N). _____%
_____%	Ammoniacal Nitrogen
_____%	Nitrate Nitrogen
_____%	Water Insoluble Nitrogen
_____%	Urea Nitrogen
_____%	(Other recognized and determinable forms of N)
Available Phosphate (P ₂ O ₅)	_____%
Soluble Potash (K ₂ O)	_____%
(Other nutrients, elemental basis)	_____%

~~(3-30-01)~~(____)

05. Sources. Sources of nutrients shall be listed below the completed guaranteed analysis statement. (3-30-01)

06. Name and Address. Name and address of manufacturer, guarantor or registrant.
~~(3-30-01)~~(____)

07. Specialty Fertilizers. For specialty fertilizers distributed to the end user, the label shall set forth adequate directions for use. Such directions may include, but are not limited to: (3-30-01)

a. The recommended application rate or rates in units of weight or volume per unit of area coverage (where application rates are given in volume, the manufacturer shall provide the bulk density for the product on the label); (3-30-01)

b. Proper seasonal times and minimum intervals to apply the product when plants can rapidly utilize nutrients and loss to the environment can be minimized; and (3-30-01)

c. The statement “Apply Only As Directed” or a statement of similar designation. (3-30-01)

08. Packaging. Refer to Idaho Department of Agriculture rules, IDAPA 02.02.14, “Rules for Weights and Measures,” for the specific requirements relating to product identity, declaration of quantity and prescribed units. (3-30-01)

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - STATE DEPARTMENT OF AGRICULTURE

02.06.33 - ORGANIC FOOD PRODUCTS RULES

DOCKET NO. 02-0633-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-1103, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The incorporation by reference section IDAPA 02.06.33.004 is being amended to reflect the changes to 7 CFR part 205, National Organic Program, effective October 21, 2007. This date has been updated to the most current date since the publication (publication date, October 3, 2007). The October 21, 2007 date will replace June 25, 2007 to remain in compliance with the National Organic Program.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 31 through 33. The pending rule amends the proposed rule by incorporating the most recent version of the 7 CFR part 205, National Organic Program.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Margaret Misner, Program Manager, at 208-332-8673.

DATED this 8th day of November, 2007.

Brian Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road

PO Box 790, Boise, Idaho 83701
Phone: 208-332-8500 / Fax: 208-334-2170

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Organic Food Products Rules

Docket No. 02-0633-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-1103, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The incorporation by reference section IDAPA 02.06.33.004 is being amended to reflect the changes to 7 CFR part 205, National Organic Program, effective June 21, 2007. The four definitions: Handler, Livestock, Person, Producer, are being amended to align them with Title 22, Chapter 11, Idaho Code and 7 CFR part 205, National Organic Program.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted because the changes are to the incorporation by reference and alignment of definitions that were changed in Title 22, Chapter 11, Idaho Code by the 2007 legislature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Margaret Misner, Program Manager, (208) 332-8673.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 14th day of August, 2007.

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Organic Food Products Rules

Docket No. 02-0633-0701
PENDING RULE

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

004. INCORPORATION BY REFERENCE.

The ~~January 2006~~ October 21, 2007 Code of Federal Regulations, (CFR) 7 CFR Part 205 Subchapter M-Organic Foods Production Act Provisions, except sections 205.620 through 205.642, is incorporated by reference. Copies of this document may be obtained from the Idaho State Department of Agriculture (ISDA), 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701 and are also available at the state law library. (3-19-07)()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

01. Agent. Any entity accredited by the Secretary of the United States Department of Agriculture as a certifying agent for the purpose of certifying a production or handling operation. (3-19-07)

042. Certification. A document issued by the Department to a producer/handler who is in compliance with this rule who has more than five thousand dollars (\$5,000) annual gross organic sales. (3-19-07)

023. Department. The Idaho State Department of Agriculture. (4-2-03)

034. Director. The director of the department of agriculture or the director's designee. (4-2-03)

05. Educational Activity. Seminar, conference, farm tour, class, or research. (3-19-07)

06. Food Products. Shall include all agricultural, horticultural, viticultural and vegetable products of the soil, apiary and apiary products, poultry and poultry products, livestock and livestock products, milk and dairy products and aquaculture products. (4-2-03)

07. Handler. Any person ~~or organization who processes, packages, resells, transports or stores organic food products or nonorganic food products~~ engaged in the business of handling agricultural products, including producers who handle crops or livestock of their own production, except such term shall not include final retailers of agricultural products that do not process agricultural products. (4-2-03)()

08. Livestock. ~~Cattle, swine, sheep, goats, ratites, domestic cervidae and bison.~~ Any cattle, sheep, goat, swine, poultry, or equine animals used for food or in the production of food, fiber, feed, or other agricultural- based consumer products; wild or domesticated game; or other

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE Organic Food Products Rules

Docket No. 02-0633-0701
PENDING RULE

non-plant life, except such term shall not include aquatic animals or bees for the production of food, fiber, feed, or other agricultural-based consumer products. (4-2-03)()

09. Organic Certification Seal. The design approved by the director and which when imprinted or affixed on labels, packages or products, or used in advertising in any manner, shall signify that the standards and rules developed in accordance with the provisions of Chapter 11, Title 22, Idaho Code, and all other conditions of the provisions of that chapter have been met. (4-2-03)

10. Organic Food Product. Any food product that is marketed using the term organic, or any derivative of the term organic in its labeling or advertising. Organic foods are those processed, packaged, transported and stored to retain maximum nutritional value, without the use of artificial preservatives, coloring or other additives, irradiation, or synthetic pesticides. (4-2-03)

11. Organically Grown Food Products. Food products which are produced without the use of synthetically compounded fertilizers, pesticides, or growth regulators for a period not less than thirty-six (36) months prior to harvest. Organically grown food products are produced under the standards and rules established in accordance with the provisions of Chapter 11, Title 22, Idaho Code, and by other qualified agencies. (4-2-03)

12. Person. Any individual, partnership, association, corporation, cooperative, or ~~any organized group of persons whether incorporated or not~~ other entity. (4-2-03)()

13. Producer. ~~Any person or organization who:~~ (4-2-03)

~~a. Grows, raises or produces a food product; and~~ (4-2-03)

~~b. Sells the food product as, or offers it for sale as, an organic food.~~ A person who engages in the business of growing or producing food, fiber, feed, or other agricultural-based consumer products. (4-2-03)()

14. Registration. A document issued by the Department to an organic producer/handler who has five thousand dollars (\$5,000) or less annual gross organic sales; or to an agent certifying organic producers/handlers in the state of Idaho; or to a producer/handler certified by an agent other than the Department. (3-19-07)

15. Vendor. Any person who sells organic food products to the consumer or another vendor. (4-2-03)

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.36 - RULES GOVERNING KARNAL BUNT DISEASE OF WHEAT, RYE, AND TRITICALE

DOCKET NO. 02-0636-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-2006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes being made to the original proposed rule text. The rules were adopted prior to the Federal Plant Protection Act of 2000 that grants USDA regulations primacy over state rules or quarantines for a particular pest. Since USDA has regulations governing Karnal Bunt, the Idaho rules are preempted. This rule was repealed in its entirety.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, page 43.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no anticipated fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620.

DATED this 27th day of September, 2007.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701
Phone: (208) 332-8503 / Fax: (208) 334-2170

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Karnal Bunt Disease of Wheat, Rye, and Triticale

Docket No. 02-0636-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is **August 1, 2007**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 22-2006, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a non-technical explanation of the substance and purpose of the proposed rulemaking:

To repeal the rule in its entirety.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)b, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rules were adopted prior to the Federal Plant Protection Act of 2000 that grants USDA regulations primacy over state rules or quarantines for a particular pest. Since USDA has regulations governing Karnal Bunt, the Idaho rules are preempted.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, "Idaho Rules of Administrative Procedure of the Attorney General," negotiated rulemaking was not conducted because this is the repeal of a rule superceded by Federal Regulations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620.

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Karnal Bunt Disease of Wheat, Rye, and Triticale

Docket No. 02-0636-0701
PENDING RULE

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2007.

DATED this 20th day of July, 2007.

IDAPA 02.06.36 IS BEING REPEALED IN ITS ENTIRETY.

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.39 - RULES GOVERNING MINIMUM STANDARDS FOR PLANTING UNCERTIFIED SEED POTATOES IN IDAHO

DOCKET NO. 02-0639-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-505, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes being made to the original proposed rule text. The proposed rule sets forth seed potato record keeping requirements for compliance with the USDA National Seed Potato Harmonization Plan, change the title, and make technical corrections.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 44 and 45.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no anticipated fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Bureau Chief or Tom Dayley, Administrator at (208) 332-8620.

DATED this 27th day of September, 2007.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701
Phone: (208) 332-8503 / Fax: (208) 334-2170

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE

Minimum Standards for Planting Uncertified Seed Potatoes

Docket No. 02-0639-0701

PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-505, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule will set forth seed potato record keeping requirements for compliance with the USDA National Seed Potato Harmonization Plan, change the title, and make technical corrections.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact to the state with the adoption of this rule change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael E. Cooper, Bureau Chief or Tom Dayley, Administrator at (208) 332-8620.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2007.

DATED this 9th day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE

Minimum Standards for Planting Uncertified Seed Potatoes

Docket No. 02-0639-0701

PENDING RULE

02.06.39 - RULES GOVERNING MINIMUM STANDARDS FOR PLANTING ~~UNCERTIFIED~~ SEED POTATOES IN IDAHO

001. TITLE AND SCOPE.

01. **Title.** The title of this chapter is IDAPA 02.06.39, "Rules Governing Minimum Standards for Planting ~~Uncertified~~ Seed Potatoes in Idaho." (3-23-98)(____)

02. **Scope.** These rules will establish the procedures of identifying, handling and testing uncertified seed potatoes to be planted in Idaho. These rules also provide ~~procedures~~ record keeping requirements for ~~reporting~~ the planting of ~~uncertified~~ seed potatoes ~~to the department and enforcement in Idaho.~~ (3-23-98)(____)

(BREAK IN CONTINUITY OF SECTIONS)

~~005. FINDINGS.~~

~~The adoption of IDAPA 02.06.39 will confer benefits to the potato industry. The planting of uncertified seed potatoes that meet the standard for the last generation of certified seed potatoes according to the Idaho Crop Improvement Association (ICIA) rules of certification authorized pursuant to Title 22, Chapter 15, Idaho Code, will reduce the incidence of diseases and improve the quality of Idaho potatoes.~~ (3-23-98)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the department. (3-23-98)

007. -- 049. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

060. ENFORCEMENT.

01. **Reporting – Uncertified Seed Potatoes.** All growers planning to plant uncertified seed potatoes shall complete an uncertified seed potatoes report form approved by the department. The completed report shall be submitted to the department prior to planting. (3-23-98)(____)

02. ~~Survey.~~ ~~The department shall randomly survey not less than fifteen percent (15%) of the Idaho potato growers annually for compliance with these rules and the provisions of Title 22, Chapter 5, Seed Potatoes, Idaho Code.~~ **Records - Certified Seed Potatoes.** All potato growers are required to keep seed potato certification records for a minimum of four years after planting. The records may be official tags or other official documentation issued by the certifying agency and representing each lot planted. These records must include the potato variety name, certification number and certifying agency. These records shall be made available to a Department representative upon request. (3-23-98)(____)

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.41 - RULES PERTAINING TO THE IDAHO SOIL AND PLANT AMENDMENT ACT OF 2001

DOCKET NO. 02-0641-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-2204, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes being made to the original proposed rule text. The proposed rule updates the incorporation by reference section to reflect the 2008 edition of the Official Publication of the Association of American Plant Food Control Officials (AAPFCO), published in January or February each year and the 14th edition of the Merck Index. These are standard reference manuals for fertilizer control officials for the registration of soil and plant amendments.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2007 Idaho Administrative Bulletin, Vol. 07-7, pages 38 and 39.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no anticipated fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Bureau Chief or Ann Brueck, Program Specialist at (208) 332-8620.

DATED this 20th day of September, 2007.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road

P.O. Box 790, Boise, Idaho 83701
Phone: (208) 332-8503 / Fax: (208) 334-2170

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Idaho Soil and Plant Amendment Act of 2001

Docket No. 02-0641-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-2204, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This change will update the incorporation by reference section to reflect the 2008 edition of the Official Publication of the Association of American Plant Food Control Officials (AAPFCO), published in January or February each year and the 14th edition of the Merck Index. These are standard reference manuals for fertilizer control officials for the registration of soil and plant amendments.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact with the adoption of this rule change. This is a dedicated fund program.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael E. Cooper, Bureau Chief or Ann Brueck, Program Specialist at (208) 332-8620.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2007.

DATED this 24th day of May, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

AGRICULTURAL AFFAIRS COMMITTEE

DEPARTMENT OF AGRICULTURE
Idaho Soil and Plant Amendment Act of 2001

Docket No. 02-0641-0701
PENDING RULE

004. INCORPORATION BY REFERENCE.

Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.41 incorporates by reference: (4-6-05)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The terms, ingredient definitions and policies as published in the “20078 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 22, Idaho Code, and any rule promulgated thereunder. (~~3-30-07~~)()

02. The Merck Index. The “20046 Merck Index,” 134th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. (~~4-6-05~~)()

AGRICULTURAL AFFAIRS COMMITTEE

IDAPA 29 - IDAHO POTATO COMMISSION

29.01.01 - RULES OF PROCEDURE OF THE IDAHO POTATO COMMISSION

DOCKET NO. 29-0101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-1201, et seq., Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007, Idaho Administrative Bulletin, Vol. 07-10, pages 210 through 213.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

It is necessary to protect the public health, safety, or welfare and it confers a benefit by clarifying contact information for those who do business with the Idaho Potato Commission.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact resulting from this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Patrick J. Kole, VP Legal and Government Affairs, at (208) 334-2350.

DATED this 26th day of October, 2007.

Patrick J. Kole
VP Legal and Government Affairs
Idaho Potato Commission

661 S. Rivershore Lane, Suite 230
PO Box 1670, Eagle, Idaho, 83616
Phone: (208) 334-2350 / Fax: (208) 334-2274

AGRICULTURAL AFFAIRS COMMITTEE

IDAHO POTATO COMMISSION
Rules of Procedure of the Idaho Potato Commission

Docket No. 29-0101-0701
PENDING RULE

THE FOLLOWING NOTICE PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 1, 2007.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 22-1201, et seq., Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a non-technical explanation of the substance and purpose of the proposed rulemaking:

To update commission location and contact information.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

It is necessary to protect the public health, safety, or welfare and it confers a benefit by clarifying contact information for those who do business with the Idaho Potato Commission.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

No fiscal impact.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. However, this rule was developed with input from the potato industry which is affected.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed

AGRICULTURAL AFFAIRS COMMITTEE

IDAHO POTATO COMMISSION Rules of Procedure of the Idaho Potato Commission

**Docket No. 29-0101-0701
PENDING RULE**

rule, contact: Patrick J. Kole, VP Legal and Government Affairs, at (208) 334-2350.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 23rd day of August, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

002. WRITTEN INTERPRETATIONS -- AGENCY GUIDELINES (RULE 2).

For rulemakings conducted before July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the order of proposed rulemaking and review of comments submitted in the order adopting these rules are maintained in the files of the Secretary of the Idaho Potato Commission and are available from the office of the Commission Secretary. The Commission Secretary may be contacted in writing at the Idaho Potato Commission, P.O. Box ~~1068 Boise~~ 1670 Eagle, Idaho ~~83701~~ 83616, or may be reached by telephone at (208) 334-2350. For rulemakings conducted after July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative bulletin proposing or adopting the rules. ~~(11-27-93)()~~

(BREAK IN CONTINUITY OF SECTIONS)

012. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS (RULE 12).

The principal office of the Commission is in ~~Boise~~ Eagle, Idaho. This office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The Commission's telephone number is (208) 334-2350. The Commission's FAX number is (208) 334-2274. The Commission's mailing address is: Idaho Potato Commission, Post Office Box ~~1068 Boise~~ 1670 Eagle, Idaho ~~83701-1068~~ 83616. The street address of the Commission is: ~~599 West Bannock Street, Boise, Idaho 83702-5983~~ 661 S. Rivershore Lane, Suite 230, Eagle, Idaho, 83616. All documents filed in all proceedings must be filed with the Commission at one of these addresses. ~~(11-27-93)()~~

(BREAK IN CONTINUITY OF SECTIONS)

241. NOTICE OF HEARING (RULE 241).

01. Timing of Notice. Notice of the place, date and hour of hearing will be served at

AGRICULTURAL AFFAIRS COMMITTEE

IDAHO POTATO COMMISSION Rules of Procedure of the Idaho Potato Commission

Docket No. 29-0101-0701
PENDING RULE

least fourteen (14) days, or in the case of formal complaints, twenty-one (21) days, before the time set for hearing, unless the Commission finds by order that the public necessity requires the hearing to be held earlier. (11-27-93)

02. Contents of Notice. Notices must comply with Rule 242's requirements. Notices must list the names of the parties (or the lead parties if the parties are too numerous to name), the case number, and the name of the hearing officer who will conduct the hearing if the case will not be heard by one or more Commissioners. If no document previously issued by the Commission has listed the legal authority of the Commission to conduct the hearing, the notice of hearing must do so. The notice of hearing shall state that the hearing will be conducted under these rules of procedure and inform the parties where they may read or obtain a copy. (11-27-93)

03. Locations of Hearing. Hearings may be held in ~~Boise~~ Eagle, Idaho, or at other places designated by notice or order. (~~11-27-93~~)(____)

(BREAK IN CONTINUITY OF SECTIONS)

286. TRANSCRIPTS (RULE 286).

01. Form of Transcripts -- Cover Sheet. Transcripts must be prepared on white eight and one-half inch by eleven inch paper. The cover page of each volume of transcript must show the title of the proceeding, the case number, the presiding officer, the time and place of hearing, and other information as shown in the following example:

|BEFORE THE IDAHO POTATO COMMISSION

(TITLE OF PROCEEDING)

)

)

CASE NO. XXX-X-XX-XX

)

(COMMISSIONER Able Baker, Presiding)

(HEARING OFFICER Charlie Dog, Presiding)

(Date, e.g., January 21, 1983)

(Hearing Room, e.g., Commission Hearing Room)

(Address, e.g., ~~599 West Bannock, Boise~~ 661 S. Rivershore Lane, Suite 230, Eagle, Idaho)

(~~11-27-93~~)(____)

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02. Volumes of Transcript -- Indices to Volumes. Each day of hearing must be transcribed in a volume or volumes separate from other days of hearing. Each volume of transcript must begin with a list of the parties who appeared that day and their representatives at hearing that day. This list must be followed with a list of all witnesses whose testimony is reported in that volume, showing the pages at which each witness's testimony begins, what party (if any) called the witness, the pages upon which each other party's examination begins, the pages upon which each Commissioner's or hearing examiner's examination begins, and the pages upon which redirect examination or any party's, Commissioner's or hearing examiner's re-examination begins. These lists must be followed with a list showing all exhibits identified in that volume of transcript (including exhibits accompanying prepared testimony), the pages upon which they are first identified, and, if any exhibits are denied admission, the pages upon which the exhibits are denied admission. (11-27-93)

03. Matters Included in Transcript. The transcript must contain all discussions on the record while the hearing is in order. Unless otherwise directed by the Commission, the presiding officer, or the Commission Secretary, prepared testimony must be included in the transcript without change or retyping. Witness's corrections to prepared testimony should be made by distributing replacement pages to the reporter and describing those corrections on the record and/or distributing an errata sheet; unless otherwise directed, no corrections other than replacement pages will be made in the prepared testimony before it is incorporated in the transcript, except the reporter may make minor corrections by interlineation in the prepared testimony. Witnesses may have seven (7) days after hearing to distribute replacement pages to all parties and to the reporter, unless the Commission, the presiding officer or the Commission Secretary otherwise directs. (11-27-93)

04. Marginal Notes. The testimony of all witnesses reported in the transcript must be designated in the lower right margin by the witness's surname and the party sponsoring the witness's testimony. The type of testimony must be shown following the witness's surname as "Di" (direct or redirect), "X" (examination by any party not sponsoring the witness), or "Com" (examination by a Commissioner or hearing examiner). Examples of the designations required by this Rule follow: (11-27-93)

- a.** Accountant, Di; ABC Company; (11-27-93)
- b.** Accountant, Com; ABC Company; (11-27-93)
- c.** Discussions on the record that are not testimony or examination may be labeled "argument," "decision," "colloquy," etc., to describe what is reported. (11-27-93)

05. Volume Size -- Number of Pages. Transcript volumes should not exceed three hundred (300) pages. Transcript volumes and pages of all proceedings on the record, including prehearing conferences, hearings, arguments, and any other proceedings on the record, must be numbered consecutively. For example, if a prehearing conference on the record preceded a hearing, the transcript volume and page numbers of the hearing would be numbered consecutively with that of the prehearing conference. (11-27-93)

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IDAPA 46 - BOARD OF VETERINARY MEDICAL EXAMINERS

46.01.01 - RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Text has been changed in Subsection 153.05.a. Additionally, no changes are being made to the text of Subsection 154.08, Controlled Substances and Prescription or Legend Drugs. The text printed following this notice is the current codified text of the rule for Subsection 154.08.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 233 through 249.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Karen Ewing, Management Assistant, (208) 332-8588.

DATED this 18th day of October, 2007.

Karen Ewing, Management Assistant
Board of Veterinary Medicine
2270 Old Penitentiary Rd.
P. O. Box 7249, Boise, ID 83707
Phone: (208) 332-8588 / Fax: (208) 334-2170

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THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2105, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule changes delete an outdated requirement for additional schooling and evaluation at an accredited college of veterinary medicine; incorporate a change in national examination procedures; change when certain documents need to be sent to an applicant for licensure; delete a military waiver provision for licensed individuals that is more restrictive than an applicable statutory provision; clarify filing deadlines for submission of continuing education requirements; increase by two months a licensing eligibility provision; change application procedures for technicians to be more consistent with those for veterinarians; add a clarifying time-frame for animal examinations; add a requirement that the animal patient's name be included along with the owner's name on a prescription; require surgical rooms to be separate, single-purpose rooms to minimize contamination; eliminate unnecessary or redundant information in medical records; add language to incorporate changes in diagnostic testing; establish criteria for a valid veterinary/client/patient relationship in administering drugs to herd animals; change an incorrect citation to a statutory provision; eliminate unnecessary provisions on verification of death of animal; and add a requirement that law enforcement certified euthanasia technicians provide a form signed by the supervising veterinarian.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not feasible because of the simple nature of the proposed rule changes, including correcting an inaccurate citation, eliminating a statutory conflict, reflecting changes to the procedures utilized

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by testing organizations, and other “housekeeping” matters.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Karen Ewing, Management Assistant, (208) 332-8588.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2007.

DATED this 26th day of July, 2007.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

010. LICENSE.

01. Qualifications for License. Applicants for license to practice veterinary medicine and surgery in Idaho shall be of good moral character and reputation and have: (7-1-97)

a. Graduated from an accredited school of veterinary medicine as defined by Section 54-2103(2), Idaho Code; or (3-30-01)

b. The Board will accept as eligible for licensure: (3-30-01)

i. Any graduate of a veterinary school, college or university outside of the United States and Canada that fulfills the current requirements for foreign veterinary graduates as set forth by the Educational Commission for Foreign Veterinary Graduates or the American Association of Veterinary State Boards. A graduate enrolled in the foreign graduate program would be considered a student as defined by Section 54-2104(2)(b), Idaho Code. (3-30-07)

ii. Any graduate of an unaccredited veterinary school who has completed a curriculum of not less than four (4) academic years in a veterinary medical program approved by the Board and satisfactorily completed clinical education equivalent in purpose, content, experience and length to the clinical training received by students in an accredited veterinary medical program. Such clinical education needs to have been obtained pursuant to a formal affiliation agreement between the unaccredited veterinary school and an accredited veterinary medical program. Qualified graduates applying for licensure under Subsection 010.01.b.ii. may be issued a temporary permit to practice veterinary medicine under the professional supervision of an actively licensed Idaho veterinarian. Such temporary permit may be renewed for up to three (3) years by paying the current active license renewal fee established by Section 014, provided that during this three (3) year period, the applicant has applied to complete the evaluated clinical experience requirements of the ECFVG program. The evaluated clinical experience requirements of the ECFVG program require that the applicant, following graduation from an unaccredited

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veterinary medical program, has:

(3-30-01)

~~(1) Completed one (1) additional academic or full year of evaluated clinical experience at an AVMA accredited or approved college of veterinary medicine and the supervising veterinarian has reported to ECFVG that the candidate has demonstrated competence equal to, or exceeding that expected of a new graduate of an accredited college of veterinary medicine; or~~

~~(3-30-01)~~

(2) Successfully passed the Clinical Proficiency Examination (CPE) approved by the ECFVG.

~~(3-30-01)~~()

c. If at the end of the three (3) year period, the applicant has not received his ECFVG certificate or the results of the Clinical Proficiency Examination have not been made known to him, the expiration date for his temporary permit may be extended until a copy of his ECFVG certificate has been received or the results of the Clinical Proficiency Examination have been made known to him and the applicant's completed license application can be reviewed by the Board at their next regularly scheduled meeting.

(3-30-01)

02. Application. Application for license may be obtained from the board office.

(7-1-97)

03. Examination. The national licensing examinations for licensure to practice veterinary medicine and surgery in Idaho are:

(3-30-01)

a. National licensing examinations, developed by the National Board Examination Committee or its designee, that include, but are not limited to:

(3-30-01)

i. The National Board Examination (NBE) and Clinical Competency Test (CCT), which may be taken at any time and as many times as necessary;

(3-30-01)

ii. ~~As of November 1, 2000, the~~ The North American Veterinary Licensing Examination (NAVLE); ~~which Starting with the November-December 2007 testing window, the NAVLE may be taken at any time and as many times as necessary no more than five (5) times. Candidates failing the NAVLE may not sit for the NAVLE at a date later than five (5) years after their initial attempt. Each of the final two (2) attempts must be at least one (1) year from the previous attempt.~~

~~(4-5-00)~~()

b. The jurisprudence examination, as prepared by the Board or its designee, and which may be taken more than once, at three (3) month intervals.

(3-18-99)

i. The jurisprudence exam will be an open book exam, consisting of twenty-five (25) to fifty (50) questions on the Idaho veterinary law, and rules, and the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA).

(3-30-01)

ii. The jurisprudence exam, a copy of Title 54, Chapter 21, Idaho Code, a copy of the rules of the Board, IDAPA 46.01.01, "Rules of the Idaho State Board of Veterinary Medical Examiners," and a copy of the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA) shall be sent to each applicant ~~along with the application for~~

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licensure.~~(3-30-01)~~(____)

iii. After November 1, 2000, applicants who have taken their national examinations prior to this date and have not taken and passed the Clinical Competency Test (CCT) may, in lieu of a passing score on the CCT, provide the documentation specified by Section 54-2107(5), Idaho Code. (3-30-01)

04. Passing Score. (7-1-97)

a. A passing score for the national licensing examinations shall be calculated and reported by the National Board Examination Committee, or its designee, or the American Association of Veterinary State Boards or its designated test vendor. If such a score is not available, the passing score shall be as reported by the National Board Examination Committee, or its designee, or the American Association of Veterinary State Boards or its designated test vendor and shall be considered equal to or greater than one point five (1.5) standard deviation below the mean score of the examination. (3-30-01)

b. A passing score for the jurisprudence examination shall be ninety percent (90%) or such score as deemed appropriate by the Board. All application materials and fees shall be at the board office, with the exception of the Clinical Competency Examination results when an applicant is applying for a temporary permit or a license without having taken the Clinical Competency Examination, before the jurisprudence examination shall be graded. (3-30-01)

05. Review of Examination. (7-1-97)

a. An applicant wishing to review the results of the jurisprudence examination shall make a written request to the Board within thirty (30) days of receipt of the jurisprudence examination results. (7-1-97)

b. The review shall be conducted no later than sixty (60) days from the date of the written request, shall not exceed two (2) hours in length, and no written materials or any reproductions shall be removed from the review premises. (7-1-97)

c. The review shall take place at the office of the Board during normal business hours. (7-1-97)

(BREAK IN CONTINUITY OF SECTIONS)

012. LICENSE RENEWAL/RETURN TO ACTIVE STATUS.

01. Renewal. An “active” or “inactive” veterinary license may be renewed by submission of the completed and signed annual renewal form prescribed by the Board, submission of a continuing education report as outlined in Subsection 015.03.d. for the appropriate hours of continuing education, and payment of all applicable fees. (4-5-00)

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02. Return to “Active” License Status. A veterinarian whose license is on inactive status shall not practice veterinary medicine and surgery in this state. A licensee may convert from “inactive” license status to “active” license status by: (4-5-00)

a. Making written application to the Board on an application form prescribed by the Board. (7-1-97)

b. Providing evidence of completion of the required continuing education credits. (3-30-07)

c. Taking and passing the jurisprudence exam with a score of ninety percent (90%) or better. (3-18-99)

d. Providing verification of license in good standing from the licensing boards in each state where the applicant has been licensed to practice veterinary medicine since converting to inactive status or from the American Association of Veterinary State Board’s Veterinary Information Verifying Agency (VIVA). (3-30-01)

e. Paying all applicable fees. (4-5-00)

03. Late Renewal. Within thirty (30) days of the date a license expires due to nonrenewal, the license may be reinstated by paying the established late fee, the renewal fee, and by fulfilling the requirements of Section 54-2112, Idaho Code. Once a license has expired, a veterinarian may not practice veterinary medicine until the license has been reinstated or until the veterinarian has applied for and received a new license. (4-5-00)

04. Change of Address. It is the responsibility of each licensed veterinarian to notify the board office of any change of address. Failure to receive a renewal form from the Board shall not constitute an excuse for failure to pay the renewal fee and fulfill the requirements of Section 54-2112, Idaho Code. (4-5-00)

~~**05. Military Waiver.** License renewal fees for licensees on active duty with the armed services of the United States may be waived one (1) time, not to exceed the longer of three (3) years or the duration of a national emergency. (3-18-99)~~

(BREAK IN CONTINUITY OF SECTIONS)

015. MANDATORY CONTINUING VETERINARY EDUCATION.

01. Statement of Purpose. It is of primary importance to the public that veterinarians continue their veterinary education throughout the period of their active practice of veterinary medicine. These rules establish the minimum continuing veterinary education requirements necessary for veterinarians to maintain a license to engage in the practice of veterinary medicine in the state of Idaho. (7-1-97)

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- 02. Approved Courses.** (3-30-01)
- a.** Approved courses include: (3-30-01)
- i.** Those courses and providers listed on the American Association of Veterinary State Board's Continuing Education Registry; and (3-30-01)
- ii.** Those courses and providers approved by the Board. (3-30-01)
- b.** Board approval for a continuing education course may be obtained by sending a written request to the board office and enclosing copies of the course agenda, dates, times, locations, and requested number of credit hours in management and veterinary medicine. Copies of the sign-in and sign-out sheets for each approved course are to be supplied to the board office following completion of the course by the course provider. (3-30-01)
- 03. Education Requirements.** (7-1-93)
- a.** Minimum Requirement. Each active veterinarian in the state of Idaho shall complete a minimum of twenty (20) credit hours of accredited continuing veterinary education activity in each and every two (2) year period following the date of his or her admission to the practice of veterinary medicine in this state. (3-30-07)
- b.** Credit Requirements. The following are the minimum and maximum credits that may be earned for each reporting period and the number of credits that may be obtained by participating in on-line or correspondence courses. (3-30-07)
- i.** A minimum of fourteen (14) hours of continuing education in veterinary medicine, surgery, and dentistry. (3-30-07)
- ii.** A maximum of six (6) hours of continuing education in management. (3-30-07)
- iii.** Veterinarians may obtain a maximum of fifteen (15) credit hours through approved on-line or correspondence courses. (3-30-07)
- c.** Attendance Period. The attendance period shall be based upon the fiscal year (July 1 to June 30). (3-18-99)
- d.** Report. Each veterinarian subject to these rules shall file a written report, on a form prescribed by the Board, as provided in this rule. (7-1-93)
- i.** Content of Report. The report shall set forth the record of the veterinarian's compliance with these rules during the attendance period and shall contain at least: (7-1-93)
- (1)** A list of the courses attended; (7-1-93)
- (2)** The dates of attendance; (7-1-93)
- (3)** The sponsoring organization; (7-1-93)

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- (4) The hours attended, rounded to the nearest one-half (1/2) of an hour; and (7-1-97)
- (5) The veterinarian's signature, under penalty of perjury. (7-1-93)
- ii. Place of Filing. The report of compliance with the continuing veterinary education requirement shall be filed with the secretary of the Board. (3-30-01)
- iii. Time of Filing. The report shall be ~~filed on, or prior to, July 1~~ submitted or postmarked no later than June 30 in the year the veterinarian is required to complete the continuing education requirement. ~~(7-1-93)~~(____)

04. Exemptions. Upon a showing of good cause by a licensee to the Board, the Board may exempt such licensee from any, all or part of the continuing education requirement or may grant an extension of the required period. Written requests for exemptions from continuing education credits shall be sent to the board office. (3-30-07)

05. Credit for Attendance. Continuing veterinary education credits may be earned by attending approved courses in continuing veterinary education. (7-1-97)

a. Credits. One (1) credit hour shall be given for each fifty (50) minutes actually spent by the active member in attendance at an accredited, domestic or foreign, course. No credit shall be given for: (7-1-97)

i. Time spent in introductory remarks, coffee and lunch breaks, business meetings or other activities not involving the educational aspects of the course. (3-18-99)

ii. Any course attended before admission to practice veterinary medicine in Idaho. (7-1-93)

iii. Journal and magazine articles, videos or correspondence courses, unless specially approved by the Board. (7-1-97)

b. In cases of panel presentations, credit shall be calculated by multiplying the actual number of course hours by two (2) and dividing by the number of panel members involved. (3-18-99)

c. Carryover Credit. No credit for attending approved courses in continuing veterinary education shall be applicable to any reporting period other than that during which the credit is actually earned. (7-1-97)

016. ELIGIBILITY EVALUATION - NATIONAL EXAMINATION.

01. Eligibility Requirements. Effective July 1, 2000, all applicants applying to the Board for eligibility evaluation for the national examination shall: (3-30-01)

a. If not previously graduated from an accredited school of veterinary medicine at the time of application, be within ~~six~~ eight (68) months of expected graduation date. ~~(3-30-01)~~(____)

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b. Have qualified for licensure in this state as outlined in Section 54-2107, Idaho Code and Subsection 010.01; (3-30-01)

c. Have fulfilled the licensing requirements, as outlined in Section 54-2107, Idaho Code and Subsections 010.02, 010.03, and 010.04 with the exception of a passing score on the national examination(s); (3-30-01)

d. Have completed the national examination(s) application prepared by the National Board Examination Committee (NBEC) or its designee and supplied by the Board, NBEC or its designee; (3-30-01)

e. And have paid to the Board the state application and license fee as outlined in Subsection 014.01.a. and the national examination processing fee, as outlined in Subsection 014.01.g. (3-30-01)

02. Application and Fee Deadlines. For applicants applying to the Board for eligibility evaluation for the national examination(s), application and fee deadlines for both the national examination(s) and for the state licensure examination shall be ninety (90) days prior to the first date of each national testing window established by the National Board Examination Committee or its designee. No candidate will be permitted to take the national examination(s) until their completed national and state applications have been received and approved, and the established fees paid. (3-30-01)

03. Determination of Eligibility. Upon the Board's determination of an applicant's eligibility for the national examination(s), the Board shall notify the applicant of his eligibility to take the national examination(s) and shall transmit the applicant's eligibility information and examination fee to the National Board Examination Committee or its designee. Any candidate not included on the Board's eligibility list for the current test window will be ineligible to take the national examination(s) during that test window. (3-30-01)

04. Authorization to Test and Scheduling. The National Board Examination Committee or its designee will supply authorization to test, letters, and scheduling permits to eligible candidates. Scheduling permits will contain instructions pertaining to establishing, changing or canceling a test appointment through a centralized registration center (Customer Service Call Center or CSCC). (3-30-01)

a. Candidates will be responsible for scheduling their own testing date, time and location through the Customer Service Call Center, CSCC. Candidates who desire to change the date, time or location of the testing appointment may do so without financial penalty until noon on the fifth business day prior to the scheduled appointment. All times are based upon the local time of the center where the candidate is scheduled to test. (3-30-01)

b. Candidates must take the national examination(s) within the established test window or their authorization to test will expire and their national examination(s) and processing fees forfeited. (3-30-01)

c. Candidates desiring to retake the national examination(s) during a subsequent test

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window must have their eligibility reconfirmed by the Board to the National Board Examination Committee or its designee and pay the established national examination(s) and processing fees. (3-30-01)

05. National Examination(s) Scoring and Reporting. (3-30-01)

a. The passing score for the national examination(s) shall be the criterion referenced passing score established by the National Board Examination Committee or its designee, or by the American Association of Veterinary State Boards or its designated test vendor. (3-30-01)

b. The Board will report scores on the national examination(s) to the individual candidates. (3-30-01)

i. No candidate shall be permitted to review the national examination(s) or receive copies of his answers to the examination(s). (3-30-01)

ii. For candidates failing the national examination(s), upon request, a diagnostic breakdown according to the examination's overall content areas will be supplied. (3-30-01)

iii. Any appeals by candidates regarding examination(s) scores will be managed by and between the candidate and the Board. (3-30-01)

iv. Any rationales and analyses provided by the National Board Examination Committee beyond the diagnostic information will be at the Board's written request and at the candidate's expense. (3-30-01)

c. A copy of the candidate's initial score report will be supplied to the Board by the National Board Examination Committee. Subsequent score reports to other boards must be requested by the candidate through the American Association of Veterinary State Boards, or their designee at the candidate's expense. (3-30-01)

017. -- 099. (RESERVED).

100. CERTIFICATION OF VETERINARY TECHNICIANS.

Any person representing himself as a veterinary technician, licensed veterinary technician, registered veterinary technician, or certified veterinary technician, shall hold a valid, unexpired certificate to practice veterinary technology in the state of Idaho. (3-30-07)

01. Application for Certification -- Contents -- Examinations. An individual desiring to be certified as a veterinary technician shall make written application to the Board upon a form furnished by the Board. A complete application shall be valid and maintained at the board office for a period of one (1) year, contain the applicant's notarized signature, and include: (3-30-01)

a. A ~~notarized~~ copy of a birth certificate, or current passport, ~~or valid driver's license~~ proving that the applicant is eighteen (18) years of age or more. (~~3-30-01~~)()

b. Notarized affidavits issued during the year preceding certification from two (2)

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individuals, personally acquainted with the applicant, attesting to the fact that the applicant is of good moral character. (3-30-01)

c. Documentation of Education/Training/Experience as follows: (3-30-01)

i. A notarized copy of a diploma or certificate verifying graduation from a veterinary technology program, accredited by the American Veterinary Medical Association; or (3-30-01)

ii. A notarized copy of a diploma or certificate verifying graduation from a veterinary technology program equivalent to a program accredited by the American Veterinary Medical Association, or from another college or institution approved by the Board; or (3-30-01)

iii. Notarized verification of having been awarded a D.V.M. or V.M.D. degree or equivalent, from an accredited school of veterinary medicine; or (3-30-01)

iv. If a foreign veterinary graduate, notarized verification of having been awarded a D.V.M. or V.M.D. degree or equivalent in a program of veterinary medicine from a foreign school of veterinary medicine or the veterinary department of a foreign university or another college or institution that is approved by the Board. (3-30-07)

d. Verification of a criterion-referenced passing score reported by the Professional Examination Service or its designee, or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards on the Veterinary Technician National Examination (VTNE) or other national examination(s) approved by the American Association of Veterinary State Boards or its designated test vendor or by the Board. If such a score is not available, the passing score shall be as reported by the Professional Examination Service or its designee, or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards or by the Board and shall be considered equal to or greater than one and five-tenths (1.5) standard deviation below the mean score of the examination. (3-30-01)

i. The VTNE or other national examination(s) approved by the American Association of Veterinary State Boards or its designated test vendor or by the Board may have been taken at any time. (3-30-01)

ii. Scores for the VTNE or other national examination(s) approved by the American Association of Veterinary State Boards or its designated test vendor or by the Board are to be provided to the Board by the Professional Examination Service or its designee or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards. (3-30-01)

e. A passing score of at least ninety percent (90%) correct on the Idaho Veterinary Technician Jurisprudence Examination. (3-30-01)

02. Application for Certification -- Fee -- Deadline -- Validity. (3-30-01)

a. A completed application, other required documents, and first year's certification fee in the amount established by the Board shall be received at the board office by the first day of

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January or June.

(3-30-01)

b. The Board will review applications and issue certifications in January and June of each year. Veterinary Technician Certifications shall be consecutively numbered beginning with the number one (1) and all numbers shall be prefixed with the letters CVT. If an applicant is found not qualified, the Board shall notify the applicant in writing of such finding and grounds therefor. An applicant denied certification may request a hearing pursuant to the procedures set forth in Title 67, Chapter 52, Idaho Code. Any applicant who is denied certification shall be allowed the return of the certification fee portion of the application fee.

(3-30-01)

c. Any applicant taking and passing the Idaho Veterinary Technician Jurisprudence Examination and not wanting to be certified at the next review by the Board shall be allowed the return of the certification fee portion of the application fee only.

(3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

153. STANDARDS OF PRACTICE.

Veterinarians shall adhere to the guidelines for professional behavior set forth in the Principles of Veterinary Medical Ethics, Opinions and Reports of the Judicial Council, Section 152, Code of Professional Conduct, and the Board's standards of practice as defined by rule. Standards of practice include but are not limited to:

(3-30-01)

01. Practice Procedures.

(7-1-97)

a. A licensed veterinarian shall exercise at least the same degree of care, skill, and diligence in treating patients that is ordinarily used in the same or similar circumstances by members of the veterinary medical profession of similar training and experience in the community in which he practices.

(3-30-07)

b. When the primary objective is to protect the animal patient's health and a professionally acceptable immunization procedure is being sought, an ~~"clinical examination"~~ of the animal by the veterinarian is required prior to each and every immunization procedure, unless the animal has been examined in the last ninety (90) days, except in the practice of large animal medicine where mass immunizations of animal herds is involved or when immunization is performed by the animal patient's owner. For the purpose of this subsection the definition of "Owner" in addition to ownership as defined by the laws of the ownership of property, non-profit organizations dedicated to the care and treatment of animals shall be considered the owners of animals in their custody if such organizations are the primary care giver for the animal or if the true owner of such animal cannot be immediately determined.

~~(4-5-00)~~(____)

c. A veterinarian shall establish a valid veterinarian/client/patient relationship as defined by rule Section 150, prior to dispensing, using, prescribing, or selling any controlled substance or legend drug, or the prescribing of an extra-label use of any drug.

(4-5-00)

d. A veterinarian dispensing or distributing any drug or medicine shall dispense or

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distribute such drug or medicine in good faith, within the context of a valid veterinarian/client/patient relationship as defined by Section 150, and shall, except in the case of any drugs and medicines that are in containers that bear a label of the manufacturer with information describing their contents and that are in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act, 21 CFR Part 201.105, affix or cause to be affixed to the container containing the drug or medicine a label indicating: (3-30-01)

- i. The date on which such drug or medicine is dispensed; (4-5-00)
- ii. The name of the owner and patient; ~~(4-5-00)~~(____)
- iii. The last name of the person dispensing such drug or medicine; (4-5-00)
- iv. Directions for use thereof, including dosage and quantity; and (4-5-00)
- v. The proprietary or generic name of the drug or medicine. (4-5-00)

02. Construction Standards. (7-1-97)

- a.** All premises shall meet the minimum requirements of construction, sanitation and cleanliness of the county health department in which the premise is located. (7-1-97)
- b.** All buildings and grounds shall conform to local building and zoning regulations. (7-1-97)
- c.** Fire prevention measures shall conform to state and local codes. (7-1-97)
- d.** All facilities shall provide for the effective separation of contagious and noncontagious cases. (7-1-97)
- e.** Animals shall not be placed in cages or kennels with other breeds or species that are incompatible with the animal in question. Animals shall not be overcrowded in a cage or kennel. (3-30-01)

03. Equipment Standards. (7-1-97)

- a.** All facilities shall be equipped with or have access to adequate diagnostic and therapeutic equipment and supplies to enable the veterinarian to provide the services offered. Adequacy of equipment and supplies will be consistent with and determined by the standards of veterinary medicine practiced by members of the veterinary medical profession in the community. (3-30-01)
- b.** All facilities and equipment used shall meet the manufacturers' label requirements for the storage of biologicals and supplies requiring temperature control. (7-1-97)
- c.** All facilities offering surgical services shall have properly sterilized surgical supplies and instruments. Autoclave equipment shall be properly utilized in those facilities where major surgery is conducted. (7-1-97)

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d. All facilities shall have an adequate power supply to operate all equipment necessary to perform the services offered. (7-1-97)

04. Facility Sanitation Standards. (7-1-97)

a. All facilities shall meet the requirements of the state department of health and local health departments pertaining to sewage, waste disposal, and the disposal of dead animals. (7-1-97)

b. All areas of the building and grounds shall be kept free of refuse. (7-1-97)

c. All facilities shall maintain a sanitary environment to avoid sources and transmission of infection including a means to isolate animals with a highly communicable disease. (7-1-97)

d. Floors, countertops, tabletops, sinks, and similar equipment shall be maintained in a clean and sanitary condition. (3-30-01)

e. Examination tables, surgery tables and all indoor, as well as outdoor, small animal compartments shall be constructed of sealed or non-porous material and cleaned and disinfected after each animal use. (4-5-00)

f. All animal compartments shall be cleaned and disinfected at least once a day when in use, and be constructed in a manner to reasonably prevent injury to and/or loss of confinement for the animal. (7-1-97)

g. Large animal compartments shall be cleaned at least once daily when in use. If communicable disease is present, the enclosure shall be disinfected after each use. (7-1-97)

05. Surgical Standards. (7-1-97)

a. ~~Surgical areas for aseptic procedures surgery shall be either performed in a separate room or have the capacity to be separated during use area designated for that purpose and isolated from other activities during the procedure. A separate, designated area is not necessarily required for herd or flock animal surgery or antiseptic surgery. Minor surgical procedures shall be performed at least under antiseptic surgical techniques.~~ (7-1-97)()

b. Surgical areas shall be provided with emergency lighting. (7-1-97)

c. In the surgical areas, temperature and ventilation shall be maintained at adequate levels to ensure the animal's comfort, safety and sanitation. (7-1-97)

d. All surgical areas shall be equipped with adequate resuscitation equipment. (7-1-97)

06. Anesthesia Standards. (7-1-97)

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a. All anesthetized animals shall be appropriately monitored and under supervision at all times. Evidence of this monitoring shall be documented in writing in the medical record.

(3-30-07)

b. Anesthesia areas shall be equipped with adequate ventilation systems that ensure the safety of humans and animals.

(4-5-00)

154. RECORD KEEPING STANDARDS.

Every veterinarian shall maintain daily medical records of the animals treated. These records may be computerized and shall be readily retrievable to be inspected, duplicated, or submitted when requested by the Board. All records, including electronic records, shall be safeguarded against loss, defacement, tampering, and use by unauthorized personnel. In the case of electronic records, the veterinarian shall keep either a duplicate hard-copy record or a back-up unalterable electronic record. Records shall be maintained for a period of three (3) years following the last treatment or examination. Patient medical records shall be maintained for every animal accepted and treated as an individual patient by a veterinarian, or for every animal group (e.g., herd, litter, and flock) treated by a veterinarian.

(3-30-07)

01. Medical Records. Medical records shall include but not be limited to: (7-1-97)

a. Name, address and phone number of the animal's owner or other caretaker.

(7-1-97)

b. Name and description, sex (if readily determinable), breed and age of animal; or description of group.

(7-1-97)

c. Dates (beginning and ending) of custody of the animal.

(7-1-97)

d. A short history of the animal's condition as it pertains to the animal's medical status.

(7-1-97)

e. Results and notation of examination, ~~(i.e. temperature, pulse and respiration rate, laboratory data, etc.)~~ condition, and diagnosis suspected.

~~(7-1-97)~~()

f. All medications, treatments, prescriptions or prophylaxis given, including amount and frequency for both inpatient and outpatient care.

(7-1-97)

g. Diagnostic and laboratory tests or techniques utilized, and results of each.

(7-1-97)

h. Written anesthesia records.

(3-30-07)

02. Consent Forms. Consent forms, signed by the patient's owner or other legal caretaker for each surgical and/or anesthesia procedure requiring hospitalization or euthanasia, shall be obtained, except in emergency situations, for each animal and shall be maintained on file with the practitioner.

(3-30-07)

03. Postoperative Instructions. Postoperative home-care instructions shall be provided in writing and be noted in the medical record.

(3-30-07)

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04. Treatment Records. Veterinarians who practice with other veterinarians shall indicate by recognizable means on each patient's or animal group's medical record any treatment the veterinarian personally performed and which treatments and procedures were delegated to a technician or assistant to perform. (3-30-01)

05. Ownership of Medical Records. Medical records are the personal property of the hospital or the proprietor of the practice that prepares them. Other veterinarians, including those providing subsequent health needs for a patient, and the patient's owner may receive in a timely manner a copy or summary of the patient's medical record, upon the request of the patient's owner or other caretaker. Veterinarians shall secure a written release to document that request. (3-30-07)

06. ~~Radiograph~~ Diagnostic Image Identification and Ownership. All ~~radiographs~~ diagnostic images shall be labeled in the emulsion film or digitally imprinted to identify the veterinarian or premise, the patient, the owner, the date, and anatomical orientation. A ~~radiograph~~ diagnostic image is the physical property of the hospital or the proprietor of the practice that prepares it, and it shall be released upon the request of another veterinarian who has the authorization of the owner of the animal to whom it pertains or to the Board. Such ~~radiographs~~ diagnostic images shall be returned within a reasonable time to the veterinarian who originally ordered them to be prepared ~~within a reasonable time~~. (3-30-01)()

07. Estimates. A veterinarian shall make available to each client a written estimate on request. (3-30-07)

08. Controlled Substances and Prescription or Legend Drugs. A controlled substance is any substance classified by the federal Food and Drug Administration or the Idaho Board of Pharmacy in Schedules I through V of the state or federal Controlled Substances Act, Title 37, Chapter 27, Idaho Code or 21 CFR Part 1308. A prescription or legend drug is any drug that under federal law is required, prior to being dispensed or delivered, to be labeled with one (1) of the following statements: "Caution federal law prohibits dispensing without a prescription"; or "RX Only;" or "Caution: Federal law restricts this drug to used by or on the order of a licensed veterinarian"; or a drug which is required by any applicable federal or state law or regulation or rule to be dispensed on prescription only, or is restricted to use by practitioners only. A veterinarian shall only dispense or distribute a controlled substance or prescription or legend drug within the context of a valid veterinarian/client/patient relationship as defined by Section 150. (3-30-01)

a. Records shall be kept that account for all dispensed and distributed controlled substances and prescription or legend drugs. The records shall comply with all federal and state laws. All information required by statute shall be recorded in the patient record along with the initials of the veterinarian who authorized the dispensing or distribution of the controlled substances or prescription or legend drugs. (3-30-01)

b. A separate inventory record shall be kept for each controlled substance by name and strength. The record shall include: (7-1-97)

i. Records of the receipt, which include all information required by federal law, the date of the receipt, the amount received, the source of receipt, and the invoice number. (7-1-97)

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ii. Records of dispensing, which include the date the controlled substance was dispensed, the amount dispensed, the animal's name, identification of the patient record, identification of the person who dispensed the drug, identification of the veterinarian who supervised the dispensing and any other information required by federal law. (7-1-97)

c. Records for all dispensed or distributed prescription or legend drugs shall be maintained in the individual patient or herd record and shall include the date the drug was dispensed or distribution was authorized, the amount dispensed or distributed, identification of the person who dispensed or authorized distribution of the drug, identification of the veterinarian who supervised the dispensing and any other information required by federal or state law, regulation or rule. (3-30-01)

d. Prescription drug order means a lawful written or verbal order of a veterinarian for a drug. (3-30-01)

i. When prescription drug orders are to be distributed to the animal(s)' owner or legal caretaker by a retail veterinary drug outlet, all orders for prescription or legend drugs shall be written on an official three (3) part order form available through the Idaho Department of Agriculture. The veterinarian shall retain the second copy in his medical record and the original and one (1) copy shall be sent to the retail veterinary drug outlet. The retail veterinary drug outlet shall retain the original and attach the copy of the original to the order for delivery to the animal(s)' owner or legal caretaker. (3-30-01)

ii. Under no circumstances shall a prescription or legend drug be distributed by a retail veterinary drug outlet to an animal(s)' owner or legal caretaker prior to the issuance of either a written or oral prescription drug order from the veterinarian: (3-30-01)

(1) When a written prescription drug order from the veterinarian has been issued to a retail veterinary drug outlet, a copy of the veterinarian's original prescription drug order shall be attached to the prescription or legend drugs that are delivered to the animal(s)' owner or legal caretaker. (3-30-01)

(2) When a retail veterinary drug outlet receives an oral prescription drug order from the veterinarian, the oral order shall be promptly reduced to writing on a Department of Agriculture telephone drug order blank. A copy of the written oral order shall be attached to the prescription or legend drugs that are delivered to the animal(s)'s owner or legal caretaker. (3-30-01)

(3) When a veterinarian issues an oral prescription drug order to a retail veterinary drug outlet, the oral order shall be followed within seventy-two (72) hours by a written prescription drug order signed by the veterinarian. (3-30-01)

e. When prescription or legend drugs are dispensed, the labeling on all containers shall be in compliance with the requirements of Subsection 153.01.d. (3-30-01)

f. When controlled substances are dispensed, all containers shall be properly labeled with: (4-5-00)

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- i. The clinic's name, address, and phone number; (4-5-00)
- ii. The name of the client and patient; (3-30-01)
- iii. The drug name and quantity; and (3-30-01)
- iv. The directions for use, including dosage and quantity. (3-30-01)
- g.** All controlled substances shall be stored and dispensed in accordance with the requirements of the Uniform Controlled Substances Law and Code of Federal Regulations. (3-30-01)

155. -- 199. (RESERVED).

200. EUTHANASIA TASK FORCE.

Pursuant to Section 54-2105~~(6)~~~~(8)~~, Idaho Code, a Certified Euthanasia Task Force (CETF) is established for the purpose of training, examining, and certifying euthanasia agencies and euthanasia technicians. The CETF shall consist of no fewer than five (5) members appointed by the Board. At its discretion, the Board may appoint itself as the CETF. The membership of the CETF shall always include at least one (1) member of the Board. New members shall be nominated by either the Board or the CETF and be confirmed by the Board. Applicants for a CETF position shall be certified euthanasia technicians (CETs) as defined by Section 54-2103(9), Idaho Code, and employed by a certified euthanasia agency as defined by Section 54-2103(8), Idaho Code or be an Idaho licensed veterinarian. ~~(3-30-07)~~(____)

01. Term. Each member shall serve for two (2) years, at the pleasure of the Board. A CETF member may be eligible for reappointment. If there is a vacancy for any cause, the CETF or the Board shall nominate and the Board shall confirm a successor to fill the unexpired term. (7-1-97)

02. Duties. The duties of CETF members shall include but not be limited to the following: (7-1-93)

- a.** Coordinate and provide euthanasia training classes as needed. (7-1-97)
- b.** Inspect and certify agencies. (3-30-01)
- c.** Review the applications, records, performance, methods and procedures used by agencies and persons seeking to be certified or to renew their certification as a Certified Euthanasia Agency, (CEA) or Certified Euthanasia Technician (CET). (3-30-01)
- d.** Conduct written and practical examinations for applicants applying for certification and authorize certification through the Board. (3-30-01)
- e.** Recommend suspension or revocation of a certification when necessary. (3-30-01)

03. Compensation. Members of the CETF shall be compensated as provided by

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Section 59-509(n), Idaho Code.

(7-1-97)

(BREAK IN CONTINUITY OF SECTIONS)

205. CERTIFIED EUTHANASIA TECHNICIAN.

01. Training and Examinations. The CETF or the Board shall develop training sessions and materials that shall include, but not be limited to, the following topics: (3-30-01)

- a. Euthanasia:** (3-30-01)
 - i. The theory and history of euthanasia methods; (3-30-01)
 - ii. Animal anatomy; (3-30-01)
 - iii. Proper animal handling to ease trauma and stress; (3-30-01)
 - iv. Dosages of chemical agents, record keeping and documentation of usage, storage, handling, and disposal of out-dated drugs and their containers, instruments and equipment used in their administration in accordance with the Idaho Board of Pharmacy law and rules and the Code of Federal Regulations; (3-30-01)
 - v. Proper injection techniques; and (3-30-01)
 - vi. Proper use and handling of approved euthanasia drugs and equipment; (3-30-01)
 - vii. Examination. Following the euthanasia training, a written examination shall be given. Those passing the written examination will be eligible for the practical examination. (3-30-01)
- b. Remote Chemical Capture:** (3-30-01)
 - i. An overview of remote chemical capture; (3-30-01)
 - ii. Description and basic mechanism of action of approved drugs; (3-30-01)
 - iii. Laws, regulations and rules governing remote chemical capture; (3-30-01)
 - iv. Post-injection care; (3-30-01)
 - v. Proper use and handling of approved restraint drugs and equipment; (3-30-01)
 - vi. Human safety; (3-30-01)
 - vii. Tactics and strategy; and (3-30-01)

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viii. Delivery systems and equipment. (3-30-01)

02. Certification Standards. Applicants for certification as a CET shall be eighteen (18) years of age or older and demonstrate proficiency in compliance with the following standards. (3-30-01)

a. Euthanize animals in the presence of one (1) or more CETF or board members: (3-30-01)

i. CETs are fully responsible for all actions that take place in the euthanasia area when an animal is brought to the area including, but not limited to, animal handling, use of the proper restraint technique, the proper drug dosage, and drug handling; (3-30-01)

ii. Each animal shall be handled with the least amount of restraint necessary, but human safety shall always be the primary concern; (3-30-01)

iii. CETs shall be able to properly perform intravenous injections on dogs and intraperitoneal injections on both dogs and cats. Intravenous injections on cats shall not be required as part of the certification process, but when performed, shall meet the standards listed in Subsection 205.02.a.iii.(1). Intracardiac injections on dogs and cats shall not be required as part of the certification process, but when performed, are restricted to the limitations listed in Subsection 205.02.a.iii.(3). (3-30-01)

(1) Intravenous Injections: The CET shall be able to properly and efficiently insert the needle into an animal's vein in no more than two (2) attempts on ninety percent (90%) of the animals injected by this method. IV injections in the cephalic vein shall be used on all dogs over the age of three (3) months unless the animal's physical condition or size makes this type of injection impossible, or the animal's behavior would make this type of injection a serious danger to the CET or handler. A minimum of two (2) people shall be required for any IV injection. One (1) person shall be a CET and one (1) or more people shall be the handler(s). The handler(s) do not need to be CET(s), but the handler(s) should be trained in human safety and animal handling techniques; (3-30-01)

(2) Intraperitoneal Injections: The CET shall be able to efficiently insert the needle into the proper injection site in no more than two (2) attempts on ninety-five percent (95%) of the animals injected by this method. It is recommended that animals injected by this method be held or otherwise restrained by the handler until the animal is unconscious. If an animal cannot be held, it shall be placed into a cage with no other animals. The front of the cage shall be covered with cloth or other material that can keep the cage isolated from the normal activities in the euthanasia area. The animal shall be checked every five (5) minutes until death occurs. Intraperitoneal injections may be administered by a CET without a handler. (3-30-01)

(3) Intracardiac Injections: Intracardiac injection shall be performed only on an anesthetized animal. CETs shall be able to efficiently insert the needle into the heart of an animal in no more than two (2) attempts on ninety percent (90%) of the animals injected by this method. Intracardiac injections may be administered by a CET without a handler. (3-30-01)

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- iv. No other injection procedures are permitted in any type of animal; (3-30-01)
- v. Injections: (3-30-01)
 - (1) On all injections, the CET shall aspirate the syringe to determine if the needle is in the correct site; (3-30-01)
 - (2) For human safety, the cap shall be kept on the needle until such time as the injection is ready to be made; (3-30-01)
 - (3) The needle shall be of the size and length appropriate for the specific animal involved; and (3-30-01)
 - (4) The dosage of any approved drug used shall be no less than the minimum dosage recommended by the drug's manufacturer. (7-1-97)
- vi. Oral administration of approved drugs is permitted for any animal that cannot be captured or restrained without serious danger to human safety; (3-30-01)
- vii. Demonstrate an understanding of carbon monoxide-induced euthanasia chambers. (3-18-99)
- b.** Demonstrate proper record keeping. A record of all approved drugs received and used by the agency shall be kept. The record shall contain the following information: (3-30-01)
 - i. A weekly verification of the drug stock on hand, signed by the CET; (3-30-01)
 - ii. An entry of the date that a new bottle of any approved drug is opened and the volume of the bottle, signed by the CET; (3-30-01)
 - iii. The species and approximate weight of each animal administered a drug; (3-30-01)
 - iv. The amount of the drug that was administered; (3-30-01)
 - v. The signature of the CET who administered the drug; (3-30-01)
 - vi. A record of the amount of the drug wasted, if any, signed by the CET administering the drug; and (3-30-01)
 - vii. A record of any disposal of expired or unwanted approved drugs, other chemical agent(s) or the containers, instruments and equipment used in their administration, signed by the CET and disposed of in accordance with the Idaho Board of Pharmacy law and rules and the Code of Federal Regulations. (3-30-01)
- c.** Demonstrate understanding and concern for the needs of individual animals: (3-18-99)

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i. Once they have collapsed, injected animals shall be lowered to the surface on which they were being held at the time of injection. Injected animals shall not be permitted to drop or otherwise collapse without human support; (3-30-01)

ii. All animals shall be handled in a manner that minimizes stress to the animal and maximizes the personal safety of the CET and the handler(s). Handling includes all aspects of moving an animal from one (1) area to another; (3-30-01)

iii. The use of control sticks and other similar devices shall be limited to fractious or potentially dangerous animals; and (3-30-01)

iv. Animals shall not be placed in cages or kennels with other breeds or species that are incompatible with the animal in question. Animals shall not be overcrowded in a cage or kennel. (7-1-93)

d. Demonstrate ability to verify death. The animal should become unconscious and show terminal signs within thirty (30) seconds after an IV or IC injection, within fifteen (15) minutes after an IP injection, or within sixty (60) minutes after an oral administration. If any animal does not show any of these signs within the designated time periods, the CET shall re-administer the drug. An animal that has received an approved drug orally may be injected with the same or another approved drug after it has become unconscious. ~~Terminal signs include no visual indications of breathing or heartbeat, lack of capillary response in the gums and/or lack of corneal or pupillary reflexes. Each animal shall be checked to verify death.~~ Verification is the responsibility of the CET and shall be made by physical examination of the individual animal. One (1) of the following two (2) standards for death shall be met: ~~(3-30-01)()~~

i. Rigor mortis; or (7-1-93)

ii. Complete lack of heartbeat (as checked with a stethoscope), complete lack of respiration, ~~complete lack of capillary response in the gums,~~ and complete lack of corneal, ~~and~~ palpebral, ~~and pupillary~~ reflexes. ~~(3-30-01)()~~

e. Demonstrate ability to communicate with handlers during the euthanasia process. (3-18-99)

03. Certification. An individual shall not be certified as a CET until such time as he has demonstrated proficiency in the practical examination that shall be conducted following the successful passing of the written exam. Training courses and written and practical examinations will be given as needed. Certification and renewal training sessions and examinations will be conducted prior to July 1 of each year at a place selected by the CETF or the Board. A law enforcement CET working under the indirect supervision of a licensed veterinarian must provide verification of supervision by the supervising veterinarian on a form provided by the board office. ~~(3-30-01)()~~

a. An individual who has passed the written exam, but has not attended a training session and has not passed the practical examination, may serve as a probationary euthanasia technician under the direct supervision of a currently certified CET until such time as the next training course, practical exam and certification are conducted by a CETF or board member.

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b. An individual who has not passed the written exam may not serve as a euthanasia technician or assistant. (3-30-01)

c. An individual who attends a training session and passes the written exam but fails the practical exam may serve on probation until the CETF member re-examines the individual. If the individual fails to pass the practical exam a second time and wishes to apply again, the individual shall attend the next regular training session and written exam. (3-30-01)

d. Upon termination from an agency as defined in Section 204 of these rules, a CET shall not perform animal euthanasia until employed by another certified euthanasia agency as defined by Section 54-2103(8), Idaho Code. (3-30-01)

e. The agency shall notify the board office and/or a CETF member in writing within thirty (30) days from the date the CET's employment at that agency is terminated. (3-30-01)

f. If a CET is employed again within eighteen (18) months of his last certification, the CET and/or employer may request reinstatement and renewal of the CET's certification. If the certification has expired past the eighteen (18) months maximum, the CET may euthanize animals under the direct supervision of a currently certified euthanasia technician until such time as a CETF or Board member can administer a written examination and authorize recertification. If a CET has not attended a euthanasia training in the three-year period preceding recertification, the CET may not be recertified and will need to reapply for certification. (3-30-07)

g. All certifications expire on July 1 of each year and are effective for no longer than twelve (12) months from the date of certification. (3-30-01)

04. Certification Renewal. Certifications may be renewed each year by payment of the annual renewal fee, provided that, every third year following the date of certification, the CET will need to attend a euthanasia training and pay the current training and certification fee prescribed by Section 014. (3-30-01)

05. Duties. The duties of a CET shall include, but are not limited to: (7-1-97)

a. Preparing animals for euthanasia; (7-1-97)

b. Accurately recording the dosages for drugs that are administered and amounts for drugs wasted; (3-30-01)

c. Ordering supplies; (7-1-93)

d. Maintaining the security of all controlled substances and other approved drugs; (3-30-01)

e. Directly supervising probationary CET(s); (7-1-97)

AGRICULTURAL AFFAIRS COMMITTEE

BOARD OF VETERINARY MEDICAL EXAMINERS
Rules of the State of Idaho Board of Veterinary Medicine

Docket No. 46-0101-0701
PENDING RULE

- f.** Reporting to the Board violations or suspicions of a violation of these rules or any abuse of drugs; (3-30-01)
- g.** Humanely euthanizing animals; and (3-30-01)
- h.** Proper and lawful disposal of euthanized animals and expired or unwanted drugs, other chemical agent(s) or the containers, instruments and equipment used in the administration of approved drugs. (3-30-01)